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From P. Coyle

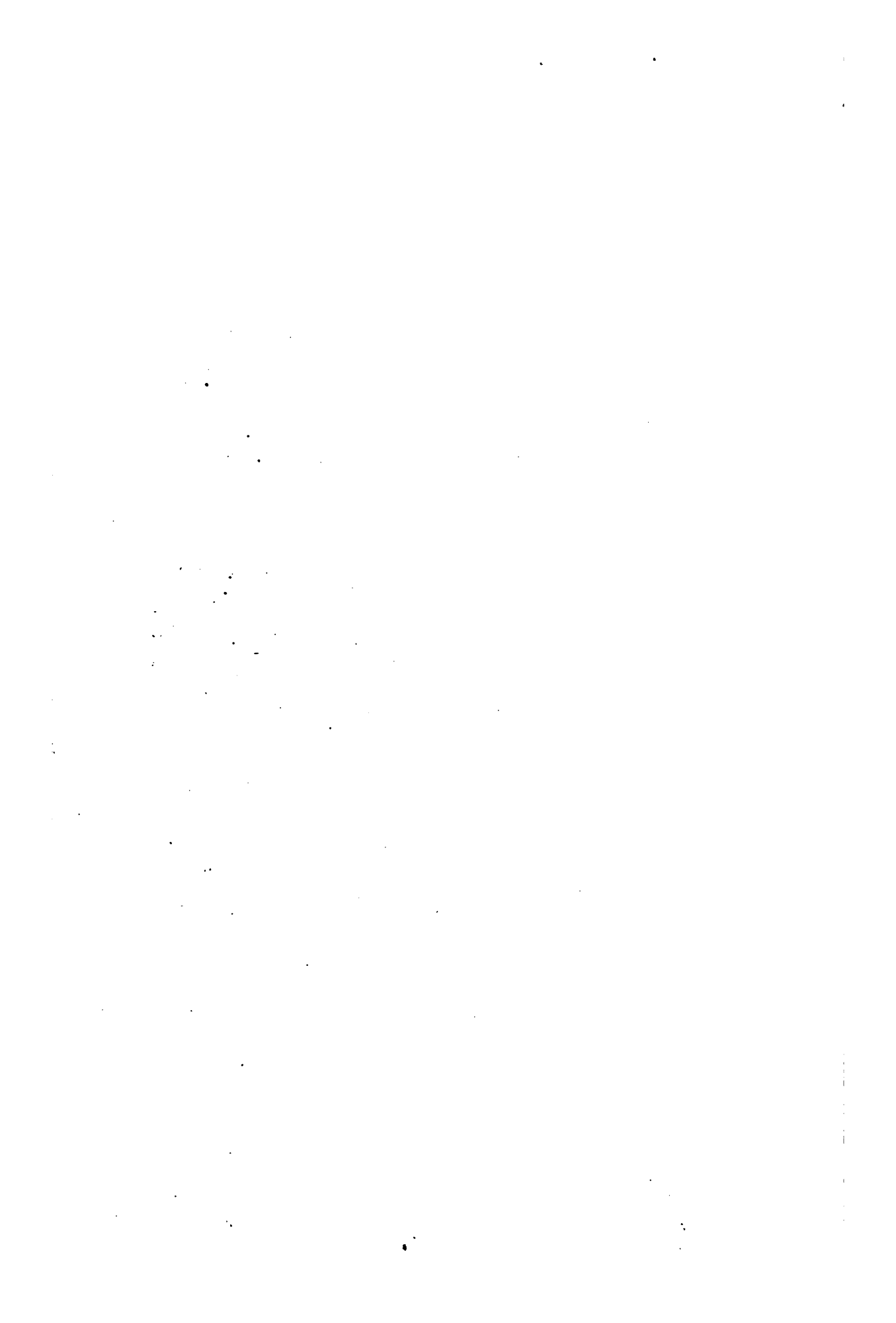
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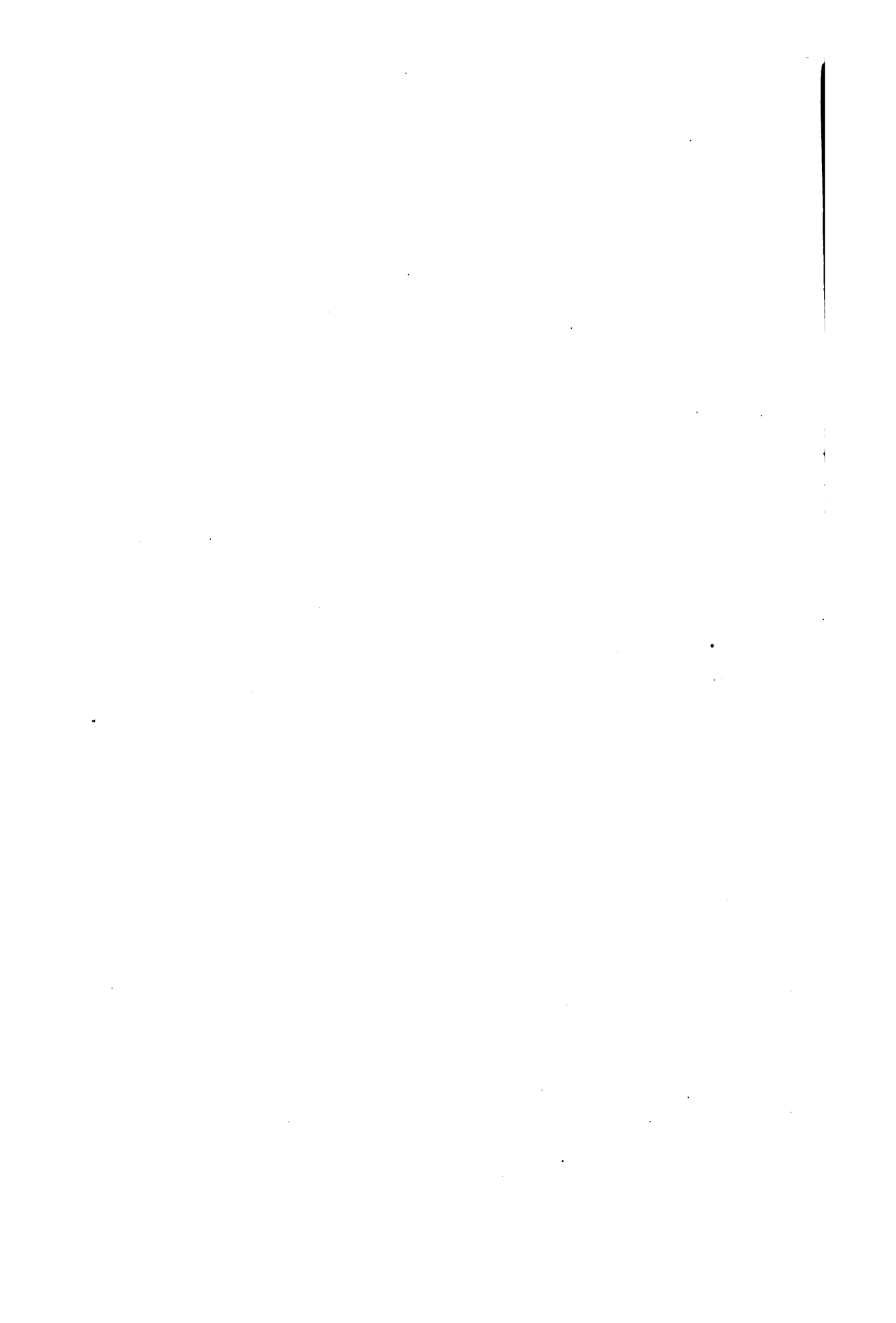
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THE
CITY CHARTER
OF 1854,

OF THE
CITY OF BOSTON,

AS MODIFIED AND SUPPLEMENTED BY SUBSEQUENT
SPECIAL AND GENERAL LAWS AFFECTING
THE SAME TO JANUARY 1, 1886,

AND THE
CHARTER AMENDMENT
OF 1885.

Published by Order of the City Council.



BOSTON:
ROCKWELL AND CHURCHILL, CITY PRINTERS,
1886.

165 13172.81

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JAMES MELVILLE WUNNEWELL

MAR 11 1889

CITY OF BOSTON.

Ordered, That the Committee on Ordinances be authorized to prepare for publication the City Charter and the amendments thereto, and that the same be printed as a city document; the expense thus incurred to be charged to the appropriation for Printing.

IN COMMON COUNCIL, April 22, 1886.

Passed. Sent up for concurrence.

IN BOARD OF ALDERMEN, April 26, 1886.

Concurred.

Approved by the Mayor, April 27, 1886.

A true copy.

Attest:

JOHN T. PRIEST,
Asst. City Clerk.

CITY OF BOSTON.

Ordered, That the Superintendent of Printing be authorized, under the direction of the Committee on Printing, to publish an edition of one thousand copies of the City Charter, as prepared for publication by the Committee on Ordinances; the expense thereby incurred to be charged to the appropriation for Printing.

IN BOARD OF ALDERMEN, June 14, 1886.

Passed. Sent down for concurrence.

IN COMMON COUNCIL, June 18, 1886.

Concurred.

Approved by the Mayor, June 23, 1886.

A true copy.

Attest:

JOHN T. PRIEST,
Asst. City Clerk.

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P R E F A C E.

86. The establishment of the town of Boston dates from the passage of
36. the order of the Court of Assistants on the 17th September (7th, O.S.),
1630, "that Trimountain shall be called Boston."

he
er,
n- The first city government was organized on the 1st of May, 1822
(St. 1821, c. 110). Roxbury was first recognized by the Court of
Assistants as a town on the 8th Oct., 1630. It was incorporated as a
city on the 12th March, 1846 (St. 1846, c. 95), and annexed to Boston
6th Jan., 1868 (St. 1867, c. 359; accepted, 9th Sept.). Dorchester
was named by the Court of Assistants in the same order in which
Boston was named; and it retained its town organization until annexed
to Boston on the 3d Jan., 1870 (St. 1869, c. 349; accepted, 22d June).
Charlestown was founded 4th July, 1629; incorporated as a city in
1847 (St. 1847, c. 29); annexed to Boston, 5th Jan., 1874 (St. 1873,
c. 286; accepted, 7th Oct.). West Roxbury was incorporated as a
town on the 24th March, 1851 (St. 1851, c. 250); annexed to Boston
on 5th Jan., 1874 (St. 1873, c. 314; accepted, 7th Oct.). Brighton
was incorporated as a town in 1806 (St. 1806, c. 65); annexed to
Boston on the 5th Jan., 1874 (St. 1873, c. 303; accepted, 7th Oct.).

The first act of the Legislature of Massachusetts establishing the City
of Boston was passed February 23, 1822, and adopted by the citizens
of Boston March 4, 1822. It is chapter 110 of the Acts of 1821. The
present City Charter, being a revision of the former one, was passed
April 29, 1854, and adopted by the citizens November 13, 1854. It is
chapter 448 of the Acts of 1854. This codification includes the legisla-
tion of 1885. The "Act to amend the Charter of the City of Boston"
(St. 1885, c. 266) and the "Act to limit the Municipal Debt and
the rate of Taxation in the City of Boston" (St. 1885, c. 178) are
also given entire (see pp. 34 and 37).

The committee, acting in accordance with the before-cited order,
employed Mr. H. W. Putnam to prepare the following document.

It gives, perhaps, as clear a statement of the active portions of existing
laws affecting the City Charter as could be brought together. There

are, of course, many other acts which establish boards or define the duties or powers of the City Council. These will be found (to the date of January 1st, 1885) in the volume compiled by the Corporation Counsel (Statutes relating to the City of Boston).

The arrangement and selection of the following pages were left to Mr. Putnam, in consultation with the committee. The committee, however, believe that this document can be safely used as a book of reference.

JAMES G. FREEMAN,
CHARLES H. ALLEN,
HENRY F. COE,
WILLIAM H. WHITMORE,
JOHN H. LEE,
WILLIAM B. F. WHALL,
WILLIAM H. MURPHY,
EDWARD J. JENKINS,

Committee on Ordinances.

IN BOARD OF ALDERMEN, June 14, 1886.

THE CITY CHARTER OF 1854,

AS MODIFIED AND SUPPLEMENTED BY SUBSEQUENT SPECIAL AND GENERAL
LAWS AFFECTING THE SAME; AND THE

CHARTER AMENDMENT OF 1885.

In the following arrangement, the numbering of the sections, up to and including section 65, is the same as in St. 1854, c. 448, the city charter. Where sections of that act have been amended or supplemented by subsequent acts or parts of acts, the latter are indicated in the margin, and the text gives the section as amended. Where sections have been entirely superseded, so much only of the later acts as covers the same general ground is given, and reference must be had to the acts themselves for their remaining provisions. The changes made by St. 1885, c. 266, commonly called the new charter, are expressed in the text as far as practicable; but as that act also covers much new ground it is given entire. The principal parts of the more important acts establishing departments or institutions, or authorizing their establishment by ordinance, are given in sections numbered from sixty-six onward, though most of them were not in terms acts to amend the charter. The remaining portions of these acts, and many others, need to be often referred to, and they are most easily accessible in the volume of "Special Statutes relating to the City of Boston," published by order of the City Council in 1885. The present arrangement covers the subjects of most constant reference, and gives the language of the several statutes, except where successive acts dealing with the same general subject-matter in different language make it impracticable to do so. In these cases the language of the original section is given so far as the subject-matter is unchanged, and the language of the later acts is followed where the subject-matter is changed. Where provisions of the original charter are superseded or supplemented by general laws, — as in the case of the election law (St. 1884, c. 299), and the law providing for an "acting mayor" in the temporary absence of the mayor (St. 1882, c. 182), — the more important provisions of the general law are given, but the entire act should be consulted in each case before a safe conclusion can be reached.

SECTION 1. The inhabitants of the city of Boston, for all the purposes for which towns and cities are by law incorporated in this commonwealth, shall continue to be one body politic, in fact and in name, under the style and denomination of The City of Boston; and, as such, shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and shall be subject to all the duties and obligations now incumbent upon, and appertaining to, said city as a municipal corporation.

Corporate
powers.
1854, c. 448, § 1.

SECT. 2. The administration of all the fiscal, prudential, and municipal concerns of said city, with the conduct and government thereof, shall be vested in one principal officer, to be styled the mayor, one council of twelve persons, to be called the board of aldermen, and one council of seventy-two persons, to be called the common council, which boards, in their joint capacity, shall be denominated the city council;

City govern-
ment.
1854, c. 448, § 2.

1875, c. 243, § 1.

and also in such other boards of officers as are hereinafter specified.

Division into wards and precincts.

1875, c. 243, § 1.
P. S. c. 23, 14.

SECT. 3. It shall be the duty of the city council, and it is hereby empowered during the year eighteen hundred and seventy-five, and each tenth year thereafter in which a census shall be taken by authority of the commonwealth, to cause a new division of the city to be made into twenty-four wards, in such manner as to include an equal number of voters in each ward, as nearly as conveniently may be, consistently with well-defined limits to each ward, and until such division is made the boundary lines of the wards shall remain as established. In the year eighteen hundred and eighty-six, as soon as practicable after the division of the city into new wards, as now provided by law, and every fifth year thereafter, the said wards shall be divided by the board of assessors of taxes into voting precincts on the basis of the registration of voters in the preceding year, each precinct consisting of compact and contiguous territory within said ward, and containing, as nearly as may be, five hundred registered voters. Said precincts shall be designated by numbers or by letters of the alphabet.

1878, c. 243, § 1.

See 1886, c. 78.

Annual meeting for the election of city officers.

1854, c. 448, § 4.
P. S. c. 7, § 67.

SECT. 4. The annual meeting of citizens, for the election of municipal officers hereinafter mentioned, shall be held on the Tuesday next following the second Monday of December, and the citizens of said city qualified to vote in city affairs shall, for the purpose of such election, then meet together within the wards in which they respectively reside, at the several polling places within said ward, at such hour and place as the board of aldermen may by their warrant direct and appoint; and the person receiving the highest number of votes for any office shall be deemed and declared to be elected to such office; and, whenever two or more persons are to be elected to the same office, the several persons, to the number required to be chosen, having the highest number of votes, shall be declared elected.

1878, c. 243, § 4.

[SECT. 5, relating to certificates of election to be furnished by the ward officers, is annulled by St. 1878, c. 243.]

Commencement of municipal year.

1854, c. 448, § 6.

SECT. 6. The municipal officers to be chosen at the annual election shall enter upon the duties of their respective offices on the first Monday of January.

Election officers.

1884, c. 299, § 7.

SECT. 7. In each voting precinct there shall be the following election officers, that is to say: The mayor, at some time between the first and the twentieth day of September in each year, shall, with the approval of the board of aldermen, appoint for each voting precinct one warden, one deputy warden, one clerk, one deputy clerk, two inspectors, and two deputy inspectors, qualified voters in the ward of which each precinct forms a part, men of good repute and standing, who shall equally represent each of the two political parties which cast the largest

number of votes in the commonwealth at the annual election next preceding their appointment. The warden and one inspector shall be of a different political party from the clerk and other inspector, and each deputy shall be of the same political party as his principal. Each of said officers shall be sworn to the faithful performance of his duties, and shall hold office for one year from the first day of November in the year in which he is appointed, and until a successor is appointed, and qualified, or he is removed. Any one of said officers may be removed at any time by the mayor for such cause as he shall deem sufficient, and shall assign in his order for removal.

Term of office.
1884, c. 299, § 7.

Removal.
1885, c. 266, §§ 1, 12.

Such election officers shall receive such reasonable compensation for each day's actual service as the city council may, from time to time, determine.

Compensation.
1884, c. 299, § 8.

No person shall be eligible to the position of election officer in any precinct where he is a candidate to be voted for, and whenever any person appointed as aforesaid becomes such candidate he may, upon petition therefor, be removed by the mayor for such cause as he shall deem sufficient, and shall assign in his order for removal, not less than three days before any election.

Candidates not eligible as election officers.
Ibid.

SECT. 8. The said wardens, clerks, and inspectors shall respectively make oath faithfully and impartially to discharge their several duties, which oath may be administered by the clerk to the warden, and by the latter to the clerk and inspectors, or to any or all of said officers by the city clerk, or by his assistant, or by any justice of the peace; and a certificate thereof shall be entered in the record to be kept by the precinct clerk.

Election officers to be sworn.
1854, c. 448, § 8.
1876, c. 246, § 4.

SECT. 9. In case of any vacancy occurring before the first day of November, in any year, or in case either of said officers shall decline to act, and shall give notice thereof to the city clerk on or before said first day of November, the mayor, with the approval of the board of aldermen, shall appoint some person qualified as aforesaid to fill said office; and in making such appointment he shall preserve in the precinct offices the just and equal representation of the two leading political parties. Every person so appointed shall be sworn to the faithful discharge of his duties. Every nomination made by the mayor under this section and section seven shall be acted on by the board of aldermen not less than one week, nor more than ten days, after it shall have been made.

Vacancies.
1854, c. 448, § 9.
1884, c. 299, § 7.

SECT. 10. In case of a vacancy in the office of warden, clerk, or inspector of a precinct on the day of any election, the person appointed as deputy of said warden, clerk, or inspector, shall act in his place, and shall have the same powers, and be subject to the same duties and liabilities, as the officer for whom he acts. No deputy precinct officer shall have power to act in any official capacity, or while the

Deputy election officers.
1854, c. 448, § 10.
1884, c. 299, § 7.

polls are open, or during the counting of votes be admitted to the space reserved for the precinct officers, except while filling a vacancy as aforesaid; and he shall receive no compensation except for attendance at the opening of the polls, or for services while acting for the officer whose place he fills.

**Election officers
pro tempore.**
1884, c. 299, § 7.

In case the warden and deputy-warden, or the clerk and deputy-clerk, or one of the inspectors and his deputy, are absent at the time designated for the opening of the polls on the day of any election, a suitable person shall be elected by the voters of said precinct by nomination and hand vote, with full power to act for the time being in place of the absent officer, and before entering upon the performance of his duties he shall be sworn by the warden or clerk, or, in the absence of both of said officers, by a justice of the peace, to the faithful performance thereof.¹

Powers of warden.

1854, c. 448, § 11.
1876, c. 246, § 7.
1878, c. 243, § 2.

SECT. 11. The warden shall preside at all meetings of his precinct, and shall have the powers of moderators of town meetings. In case of his absence, the clerk, and in case of the absence of both warden and clerk, one of the inspectors, according to seniority in age, shall preside until a new warden has been chosen.

Duty of clerk.

1854, c. 448, § 12.
1876, c. 246, § 8.
1878, c. 243, § 2.
1884, c. 299, § 23.

SECT. 12. It shall be the duty of the clerk to make and keep a fair and true record of all meetings, and at the close of the municipal year to deliver such record, together with all other documents and papers held by him in his said capacity, to the city clerk, by whom such of them as need be shall be transmitted to the next precinct clerk.

Duties of warden and inspectors.

1854, c. 448, § 13.
1876, c. 246, § 9.
1878, c. 243, § 2.

SECT. 13. It shall be the duty of the warden and inspectors of each precinct to receive, sort, and count, and of the warden to declare all votes at any election within such precinct; and the clerk may assist in assorting and counting the votes.

Duties of precinct officers at all elections.

1854, c. 448, § 14.
1876, c. 246, § 10.
1884, c. 299, § 8.

SECT. 14. It shall be the duty of all said precinct officers to attend and perform their respective duties at the times and places appointed for elections of any officers, whether of the United States, state, district, county, city, or ward, or for the determination of any question submitted to the qualified voters by lawful authority; and to make and sign the regular returns of the same.

Election of mayor.

1854, c. 448, § 15.

SECT. 15. The qualified voters of said city shall, at the annual meeting, be called upon to give in their votes for one able and discreet person, being an inhabitant of the city, to be mayor of said city for the term of one year. All the ballots so given in, in each precinct, being sorted, counted,

¹ SUPERVISORS OF ELECTIONS. St. 1884, c. 289, § 9 also provides that the governor shall, upon the petition in writing of ten qualified voters of the city, presented to him at least fourteen days before any election of state, district, county or municipal officers, appoint, by and with the advice and consent of the council, for each voting precinct, two citizens, residents of the city, to act as supervisors at the said election. St. 1881, c. 291, is repealed by St. 1884, c. 299, § 44.

and declared, shall be recorded at large by the clerk in open precinct meeting; and in making such declaration and record the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively, and the title of the office for which he is proposed, together with the number of blank votes for each office; such numbers to be expressed in words at length, and a transcript of such record, certified and authenticated by the warden, clerk, and the inspectors of elections, for each precinct, shall forthwith be transmitted or delivered by such precinct clerk to the clerk of the city. It shall be the duty of the city clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received, upon the journal of the proceedings of the board of aldermen, or some other book to be kept for that purpose.

SECT. 16. The board of aldermen shall, as soon as conveniently may be, after six days next following the day of such election, meet together and examine all the said returns, and they shall cause the person who may have been elected mayor to be notified, in writing, of his election; but if it shall appear by said returns that no person has been elected, or if the person elected shall refuse to accept the office, the board shall issue their warrants for a new election, and the same proceedings shall be had as are provided in the preceding section for the choice of a mayor, and repeated, from time to time, until a mayor shall be chosen.¹

SECT. 17. Whenever, on examination by the board of aldermen of the returns of votes given for mayor at the meetings of the precincts holden for the purpose of electing that officer last preceding the first Monday of January in each year, no person shall appear to be chosen, the board of aldermen, by whom such examination is made, shall make a record of that fact, an attested copy of which record it shall be the duty of the city clerk to produce and read, on the first Monday of January, in the presence of the members returned to serve as aldermen and common councilmen; and the oaths prescribed by law may be administered to the members-elect. The members of the board of aldermen shall thereupon proceed to elect a chairman, and the common council a president, in their respective chambers; and, being respectively organized, they shall proceed to business in the manner hereinafter provided, in case of the absence of the mayor; and the board of aldermen shall forthwith issue their warrants for meetings of the citizens of the respective wards, for the choice of mayor, at such time and place as they shall judge most convenient; and the same

¹ See St., 1884, c. 299, §§ 29, 31, 32, for proceedings where a recount of ballots is demanded. Also Stat. 1883, c. 42.

1884, c. 299, § 19.

Examination of returns of votes for mayor. \ 1854, c. 448, § 16. 1884, c. 299, §§ 31, 32.

Proceedings in case of no choice of mayor before the beginning of the municipal year. 1854, c. 448, § 17. 1878, c. 243, §§ 1, 4.

proceedings shall be had, in all respects, as are hereinbefore directed, and shall be repeated, from time to time, until a mayor shall be duly chosen.

Proceedings in case no mayor is chosen or a full board of aldermen is not elected.
1864, c. 448, § 18.

SECT. 18. Whenever it shall appear, by the regular returns of the elections of city officers, that a mayor has not been chosen, or that a full board of aldermen has not been elected, such of the board of aldermen, whether they constitute a quorum or not, as may have been chosen, shall issue their warrant in the usual form for the election of a mayor, or such members of the board of aldermen as may be necessary; and the same proceedings shall be had and repeated, until the election of a mayor and aldermen shall be completed, and all vacancies shall be filled in the said board; and in case neither a mayor nor any alderman shall be elected at the usual time for electing the same, and after the powers of the former mayor and aldermen shall have ceased, it shall be the duty of the president of the common council to issue his warrant, in the same manner as the board of aldermen would have done if elected, and the same proceeding shall be had and repeated, until a mayor or one or more aldermen shall be elected.

Aldermanic districts.
1884, c. 250, § 2.

SECT. 19. It shall be the duty of the city council, after any new division of said city into wards, to cause a new division of the city to be made into twelve aldermanic districts in such manner as to include in such districts whole and contiguous wards (except so far as the same may be separated by natural water channels, connected by bridge or bridges), and an equal number of voters and inhabitants as nearly as convenience permits, and until such new division be made the districts shall remain as established by section one of chapter two hundred and fifty of the acts of the year eighteen hundred and eighty-four. The qualified voters of each of said aldermanic districts shall, at the annual municipal election, be called upon to give in their votes for one able and discreet person, being a legal voter and an inhabitant of the district, to be a member of the board of aldermen

Election of aldermen.
St. 1864, c. 448, § 19.
1884, c. 250, § 3.

1878, c. 248, §§ 1, 4.

for the ensuing year; and all such votes so given being sorted, counted, and declared by the warden and inspectors, shall be recorded at large by the clerk, in open precinct meeting; and, in making such declaration and record, the whole number of votes or ballots given in shall be particularly stated, together with the name of every person voted for, and the number of votes given for each person; and a transcript of such record, certified by the warden and clerk and a majority of the inspectors of elections of each precinct, shall forthwith be transmitted to the city clerk; whereupon the same proceedings shall be had, to ascertain and determine the persons chosen as aldermen, as are hereinbefore directed in regard to the choice of mayor, and for a new election in case of the whole number required not being

chosen at the first election. And each alderman so chosen shall be duly notified, in writing, of his election, by the mayor and aldermen for the time being. A new election shall be ordered in any such district, in case of any failure by such district to elect an alderman as herein provided, or in case of any vacancy by death, resignation, or other cause. 1884, c. 250, § 3.

SECT. 20¹. At the municipal election in the year eighteen hundred and seventy-five, and every year thereafter, the qualified voters of each ward shall bring in their votes for three able and discreet men, qualified voters in said ward, to be members of the common council for the ensuing year; and all the ballots so given in each precinct, being sorted, counted, and declared, a public declaration of the result shall be made by the warden in open precinct meeting; and a record of such proceedings shall be kept by the clerk in his journal, stating the number of ballots given for each person written in words at length. Common council. 1875, c. 243, § 2. 1876, c. 225, § 8. 1878, c. 243, §§ 1, 4.

[Sections 21, 22, and 23, relating to the non-election of members of the common council, are repealed by St. 1880, c. 225, § 6, and such failure to elect is provided for by St. 1880, c. 225, § 5; see Sect. 25.]

SECT. 24. The board of aldermen, the common council, and the school committee, shall have authority to decide upon all questions relative to the qualifications, elections, and returns of their respective members. Board of aldermen, etc., to judge of qualifications, etc., of members. 1854, c. 448, § 24. 1875, c. 241, § 2.

SECT. 25. Whenever there is a vacancy in the board of aldermen or common council in the city of Boston, by failure to elect, removal from the city, death, resignation, or otherwise, it shall be the duty of said board of aldermen to issue their warrant in due form for an election to fill such vacancy, at such time and place as they may deem advisable; but in case of a vacancy in the common council such warrant shall not be issued until the board of aldermen receive official notice of such vacancy.² Vacancies in city council. St. 1880, c. 22, § 5.

SECT. 26. All city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding their removal after their election out of their respective wards into any other wards of the city; but they shall not be so held after they take up their permanent residence out of the city. Removal of city and ward officers from their wards. 1854, c. 448, § 26. P. S., c. 27, § 89. P. S., c. 28, § 2.

SECT. 27. The mayor, aldermen, and common councilmen, on the first Monday of January, or before entering on the duties of their offices, shall respectively be sworn, by taking the oath of allegiance and oath of office prescribed in the constitution of this commonwealth, and an oath to support the constitution of the United States. And such oaths Organization of city council, and oath of office. 1854, c. 448, § 27

¹ Sect. 20 of St. 1854, c. 448, is repealed by St. 1875, c. 243, § 4.

² Sect. 25 of St. 1884, c. 448, is repealed by St. 1880, c. 225, § 6, and this section is enacted in place thereof.

may be administered to the mayor-elect by any one of the justices of the supreme judicial court, or any judge of any court of record, commissioned to hold any such court within the said city, or by any justice of the peace for the county of Suffolk. And such oaths shall be administered to the aldermen and members of the common council by the mayor, being himself first sworn as aforesaid, or by either of the persons authorized to administer said oath to the mayor; and a certificate of such oaths having been taken shall be entered in the journal of the mayor and aldermen, and of the common council, respectively, by their respective clerks.

Absence of
mayor elect.
1854, c. 448, § 28.

SECT. 28. In case of the unavoidable absence, on account of sickness, or otherwise, of the mayor-elect, on the first Monday in January, the city government shall organize itself in the mode hereinbefore provided in cases wherein no person shall have been elected mayor at the meeting last preceding the first Monday in January, and may proceed to business in the same manner as if the mayor were present.

Aldermen to
choose a permanent
chairman.
1854, c. 448, § 29.

1885, c. 266, § 10.

SECT. 29. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board shall proceed to choose a permanent chairman, who shall preside at all meetings of the board, and at conventions of the two branches in the absence of the mayor; and, in case of any vacancy in the office of mayor, for any cause, he shall exercise all the powers and perform all the duties of the office as long as such vacancy shall continue. But he shall continue to have a vote in the board, and shall not have the veto power.

City clerk.
1854, c. 448, § 30.
1885, c. 266, §§ 2,
4.

SECT. 30. The city council shall, in the month of January, choose a clerk by concurrent vote, for the term of one year and until another person is duly chosen and qualified in his stead, who shall be sworn to the faithful discharge of the duties of his office, and shall be removable at the pleasure of the board of aldermen, the mayor thereto consenting. He shall be denominated the city clerk, and it shall be his duty to keep a journal of the acts and proceedings of the board of aldermen, to sign all warrants issued by them, and to do such other acts in his said capacity as may lawfully and reasonably be required of him; and to deliver over all journals, books, papers, and documents intrusted to him as such clerk to his successor in office, immediately upon such successor being chosen and qualified as aforesaid, or whenever he may be thereunto required by the aldermen. The city clerk thus chosen and qualified shall continue to have all the powers and perform all the duties now by law belonging to him.

Removal.

Vacancy in
office of city
clerk.
1854, c. 448, § 31.
Temporary
absence of city
clerk.

SECT. 31. In case of a vacancy in the office of city clerk, from any cause, the same shall be filled in the manner provided in the preceding section.

SECT. 32. In case of the temporary absence of the city

clerk, the mayor, by and with the advice and consent of the board of aldermen, may appoint a city clerk *pro tempore*.¹

SECT. 33.² The executive powers of the said corporation generally, and all the executive powers formerly vested in the board of aldermen as such, as surveyors of highways, county commissioners or otherwise, are vested in the mayor, to be exercised through the several officers and boards of the city, in their respective departments, under his general supervision and control. All the powers, except executive powers, formerly vested in the selectmen of the town of Boston, either by the general laws of this commonwealth, by particular laws relative to the powers and duties of said selectmen, or by the usages, votes, or by-laws of said town, and all the powers, except executive powers, subsequently vested in the mayor and aldermen of said city as county commissioners or otherwise, shall be, and hereby are, vested in the board of aldermen, as hereby constituted, as fully and amply as if the same were herein specially enumerated. A majority of the members of the board shall constitute a quorum for the transaction of business, and their meetings shall be public.

Executive powers vested in mayor. 1885, c. 266, § 6.

Powers vested in board of aldermen. 1854, c. 448, § 33. 1885, c. 266, § 6.

SECT. 34. The persons so chosen and qualified as members of the common council of the said city shall sit and act together as a separate body, distinct from that of the board of aldermen, except in those cases in which the two bodies are to meet in convention; and the said council shall have power from time to time to choose one of their own members to preside over their deliberations and to preserve order therein, and also to choose a clerk, who shall be under oath faithfully to discharge the duties of his office, who shall hold such office during the pleasure of said council, and whose duty it shall be to attend said council when the same is in session, to keep a journal of its acts, votes, and proceedings, and to perform such other services, in said capacity, as said council may require. All sittings of the common council shall be public; and a majority of all the members of the common council shall constitute a quorum for the transaction of business.

Common council a separate body. 1854, c. 448, § 34.

President. Clerk.

Sittings to be public. Quorum. 1872, c. 15.

SECT. 35. All other powers heretofore by law vested in the town of Boston, or in the inhabitants thereof, as a municipal corporation, or in the city council of the city of

Powers of city council. 1854, c. 448, § 35.

¹ Under St. 1869, c. 72 (P. S. c. 28, § 10), allowing any city to do so, Boston has established by ordinance the office of assistant city clerk, and by that statute "any document or paper certified or attested by an assistant city clerk shall be admissible in evidence in all courts of this commonwealth, in the same manner and to the same extent as if such document or paper were certified or attested by a city clerk."

The administration of police which was vested in the board of aldermen by St. 1854, 448, § 33, is now vested by St. 1885, 323, in the board of police appointed by the governor of the commonwealth, with the advice and consent of the council.

Boston, shall be and hereby are continued to be vested in the mayor, aldermen, and common council of the said city, to be exercised by concurrent vote, each board as hereby constituted having a negative upon the proceedings of the other, and the mayor having a veto power as hereinafter provided. More especially they shall have power to make all such needful and salutary by-laws or ordinances, not inconsistent with the laws of this commonwealth, as towns by the laws of this commonwealth have power to make and establish, and to annex penalties not exceeding fifty dollars for the breach thereof; which by-laws and ordinances shall take effect and be in force from and after the time therein respectively¹ limited, without the sanction or confirmation of any court or other authority whatsoever.

By-laws.

Power to lay
and assess taxes.
1854, c. 448, § 36.

SECT. 36. The city council shall also have power from time to time to lay and assess taxes for all purposes for which towns are by law required or authorized to assess and grant money, and also for all purposes for which county taxes may be levied and assessed, so long as other towns in the county shall not be liable to taxation for county purposes. But in the assessment and apportionment of all such taxes upon the polls and estates of all persons liable to contribute thereto, the same rules and regulations shall be observed as are now established by the laws of this commonwealth, or may be hereafter enacted, relative to the assessment and apportionment of town taxes.

Assessment and
collection of
taxes.
1854, c. 448, § 37.

SECT. 37. The said city council shall also have power to provide for the assessment and collection of such taxes, and to make appropriations of all public moneys, and provide for the disbursement thereof, and take suitable measures to insure a just and prompt account thereof; and for these purposes may either provide for such assessors, to be appointed by the mayor subject to confirmation by the board of aldermen, and removable by him for such cause as he shall deem sufficient and shall assign in his order for removal, and such assistant assessors, to be appointed by the assessors subject to confirmation by the mayor and removable by the assessors of taxes for such cause as they shall deem sufficient and shall assign in their order for removal, as may be needful; and may also require of all persons intrusted with the collection, custody, or disbursement of public moneys, such bonds, with such conditions and such sureties as the case may, in their judgment, require. The assessors and assistant assessors may hold office for such term, not exceeding three years, as the city council may by ordinance prescribe.

Assessors.
1885, c. 266, § 1.

1885, c. 266, § 2.

Term of office.
1884, c. 123, § 1.

Appointment of
city officers.
1854, c. 448, § 38.
1885, c. 266, § 1.

SECT. 38. The city council may provide for the appoint-

¹ An ordinance takes effect upon its passage if no time is limited and there is nothing to show that it was not intended to take effect immediately. Commonwealth v. Brooks, 109 Mass. 355.

ment or election of all necessary officers for the good government of said city, not otherwise provided for, and may prescribe their duties and fix their compensation; and may choose a register of deeds whenever the city shall be one county.¹ But all officers and boards whose offices are or may hereafter be established by the city council, except the city messenger, clerk of committees of the city council, and such other clerks and attendants as may be employed by the city council, or either branch thereof, and subordinate officers in the several departments, shall be appointed by the mayor, subject to confirmation by the board of aldermen, for such terms of service respectively as are or may be fixed by law or ordinance; and the mayor may remove any of said officers or members of such boards for such cause as he shall deem sufficient and shall assign in his order for removal. No appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board.

Manner of appointment and removal. 1885, c. 266, §§ 1, 2.

SECT. 39. The city council shall have the care and superintendence of the public buildings, and the care, custody, and management of all the property of the city, with power to lease or sell the same, except the Common and Faneuil Hall. And the said city council shall have power to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may in their judgment require it.

Care and management of city property. 1854, c. 448, § 39. See 1885, c. 266, §§ 6, 12.

SECT. 40. All the power and authority now by law vested in the city council, or in the board of mayor and aldermen, relative to the public health and the quarantine of vessels, shall continue to be vested in the city council, to be carried into execution by the appointment of one or more health commissioners; or in such other manner as the health, cleanliness, comfort, and order of the city may, in their judgment, require, subject to such alterations as the legislature may from time to time adopt. The powers and duties above named may be exercised and carried into effect by the city council in any manner which they may prescribe, or through the agency of any persons to whom they may delegate the same, to be appointed by the mayor subject to confirmation by the board of aldermen, notwithstanding a personal exercise of the same, collectively or individually, is prescribed by previous legislation.²

Board of health. 1854, c. 448, § 40. See 1885, c. 266, §§ 6, 12.

SECT. 41. The board of aldermen shall be surveyors of highways for said city, but all the executive powers formerly vested in the board of aldermen as surveyors of highways are vested in the mayor.

Surveyors of highways. 1854, c. 448, § 41. 1885, c. 266, §§ 6, 10, 12.

¹ As to the manner of appointment and removal of officers and subordinates, see St. 1885, c. 266, §§ 1, 5.

² A board of health has been established by ordinance, consisting of three persons. See Revised Ordinances of 1885, c. 23.

City treasurer.
1854, c. 448, § 42.
1875, c. 176, § 1.

SECT. 42. The mayor shall, in the month of May or June, appoint subject to confirmation by the board of aldermen a suitable person to be the treasurer of said city, who shall also be county treasurer, and who shall hold his office until his successor is chosen and qualified in his stead. He shall continue to exercise all the powers now by law belonging to his office, except those hereinafter given to the collector; and he may be removed by the mayor for such cause as the latter shall deem sufficient and shall assign in his order for removal.

Removal.
1885, c. 266, § 1.

Collector.
1875, c. 176, § 2.

There shall be appointed annually in the month of May or June, by the mayor, subject to confirmation by the board of aldermen, a suitable person to be collector of the city of Boston, who shall hold office until his successor is chosen and qualified. Said collector shall have the powers formerly possessed by the treasurer of said city as collector of taxes, and shall also collect and receive all assessments, betterments, rates, dues, and money payable on any account to the city of Boston or the county of Suffolk, and shall have all the powers with respect to such collections formerly possessed by the treasurer of said city; and shall pay over any and all money received by him to said treasurer within twenty-four hours after receiving the same, taking said treasurer's receipt therefor in duplicate, and shall file with the auditor of accounts of said city the duplicate copy of the same. He shall give bond with such sureties and in such sum, and shall receive such compensation as the city council shall determine, and he may be removed by the mayor for such cause as the latter shall deem sufficient and shall assign in his order for removal.

Removal.
1885, c. 266, § 1.

Members of city council ineligible to other offices.
1854, c. 448, § 43.
1884, c. 115.
1885, c. 266, § 3.

See 1886, c. 117.

SECT. 43. No member of the city council shall be eligible during the term for which he was chosen, to any office, by appointment or by election of said city council, or either branch thereof, the salary of which office is payable from the city treasury; and neither the mayor nor any alderman or member of the common council shall, at the same time, hold any office of emolument under the city government.¹ No member of the city council of said city shall, during the term for which he is elected, be appointed to or hold any office included under the provisions of sections one or two of chapter two hundred and sixty-six of the acts of the year eighteen hundred and eighty-five.

Census of voters and inhabitants.
Const. am., art. 21.

SECT. 44. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the commonwealth on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of

¹No member of any city council shall be interested in a private capacity in any contract wherein the city is interested, if it be made by said council, or either branch, or by authority derived therefrom. See Stat. 1875, c. 232, § 1. F. S. c. 205, § 12.

each city and town in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters as ascertained by the next preceding special enumeration; and it shall be the duty of the secretary of the commonwealth to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, or in lieu of the mayor and aldermen of the city of Boston such board of special commissioners in the county of Suffolk to be elected by the people of the said county or of the towns therein as may for that purpose be provided by law, shall on the first Tuesday of August next after each assignment of representatives to the said county assemble in the shire town of said county and proceed, as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to said county equally, as nearly as may be, according to the relative number of legal voters in the several districts of said county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. The districts in said county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board to the secretary of the commonwealth, the county treasurer of said county, and to the clerk of every town in said district, to be filed and kept in their respective offices.¹

Division into
representative
districts.
Const. am.,
art. 21.

SECT. 45. The mayor of the city, chosen and qualified as hereinbefore provided, shall be taken and deemed to be the chief executive officer of said corporation; and he shall be compensated for his services by a salary, payable at stated periods, to be fixed by the city council by concurrent vote, at

Compensation
of mayor.
1854, c. 448, § 45.

¹ By acts of 1876, c. 15, Suffolk was allowed fifty representatives, which were duly assigned as follows:—

Wards 4, 22, and 25, one each, and all the other wards in Boston two each; Chelsea, Revere, and Winthrop, collectively, three.

1885, c. 266, § 11. a sum not less than five thousand dollars annually; and he shall receive for his services no other compensation or emolument whatever; and no regulations enlarging or diminishing such compensation shall be made, to take effect until the expiration of the year for which the mayor then in office shall have been elected, and said salary, when fixed, shall continue until changed by the city council as aforesaid.

Powers and duties of mayor. 1854, c. 448, § 46. See also 1885, c. 266, § 6.

SECT. 46. It shall be the duty of the mayor to be vigilant and active at all times in causing the laws for the government of said city to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness, and positive violation of duty to be duly prosecuted and punished. He shall have power, whenever in his judgment the good of said city may require it, to summon meetings of the board of aldermen and common council, or either of them, although the meeting of said boards may stand adjourned to a more distant day, and shall cause suitable notice in writing of such meetings, to be given to the respective members of said boards. And he shall from time to time communicate to both branches of the city council all such information, and recommend all such measures, as may tend to the improvement of the finances, the police, health, security, cleanliness, comfort, and ornament of the said city.

Mayor's right to assume control of police. 1878, c. 244, § 8. 1885, c. 323, § 6.

The mayor of the city of Boston shall have power at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the police force in said city. In case of tumult, riot, or violent disturbance of public order, the mayor of said city shall have, as the exigency in his judgment may require, the right to assume control, for the time being, of the police of the city; but before assuming such control he shall issue his proclamation to that effect, and it shall be the duty of the board of police to execute all orders promulgated by him for the suppression of such tumult and the restoration of such order.

Veto power of mayor. 1854, c. 448, § 47.

SECT. 47. Every ordinance, order, resolution, or vote, to which the concurrence of the board of aldermen and of the common council may be necessary (except on a question of convention of the two branches), and every order of either branch involving the expenditure of money shall be presented to the mayor; if he approve thereof he shall signify his approbation by signing the same; but, if not, he shall return the same, with his objections, to the branch in which it originated, who shall enter the objections of the mayor at large on their records, and proceed to reconsider said ordinance, order, resolution, or vote; and if, after such reconsideration, two-thirds of the members of the board of aldermen or common council present and voting notwithstanding such objections, agree to pass the same, it shall, together with the

P. S. c. 28, § 6.

objections, be sent to the other branch of the city council (if it originally required concurrent action), where it shall also be reconsidered, and, if approved by two-thirds of the members present, it shall be in force; but in all cases the vote shall be determined by yeas and nays; and if such ordinance, order, resolution, or vote shall not be returned by the mayor within ten days after it shall have been presented, the same shall be in force. But the veto power of the mayor shall not extend to the election of officers required by any law or ordinance to be chosen by the city council in convention or by concurrent action, unless expressly so provided therein.¹

SECT. 48. In all cases where anything is or may be required or authorized by any law or ordinance to be done by the mayor and aldermen, the board of aldermen shall first act thereon; and any order, resolution, or vote of said board shall be presented to the mayor for his approval, and the same proceedings shall be had as are provided in the preceding section.²

Same subject.
1854, c. 448, § 48.
1882, c. 164, § 1.

SECT. 49. In all cases wherein appointments to office are directed to be made by the mayor and aldermen, they shall be made by the mayor, except as provided in the preceding section, by and with the advice and consent of the aldermen; and such officers may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal.

Mayor to appoint officers by consent of aldermen.
1854, c. 448, § 49.
1885, c. 266, § 1.

SECT. 50. In the case of the decease, inability, absence, or resignation of the mayor, and whenever there is a vacancy in the office from any cause, and the same being declared, and a vote passed by the aldermen and common council respectively, declaring such cause, and the expediency of electing a mayor for the time being to supply the vacancy thus occasioned, the board of aldermen shall issue their warrants in due form for the election of mayor, and the same proceedings shall be had as are hereinbefore provided for the choice of a mayor.

Vacancy in office of mayor.
1854, c. 448, § 50.

In case of the death, resignation, or absence of the mayor of any city, or of his inability to perform the duties of his office, the same shall devolve upon the chairman or presiding officer of the board of aldermen of such city, and if there is no such chairman or presiding officer, the same shall devolve upon the president of the common council, until the mayor is able to attend to his duties, or the vacancy is filled as provided by the charter of such city.

Performance of duties of mayor in his absence.
1882, c. 182, § 1.

The person on whom such duties shall devolve shall be styled "acting mayor," and shall possess the powers of mayor

"Acting mayor."
1882, c. 182, § 2.

¹ For the power to veto orders of the school committee, and of the board of aldermen, and separate items involving the appropriation or expenditure of money, see St. 1885, c. 266, §§ 9, 10, *post*, p. 36.

See St. 1885, c. 266, § 1.

only in matters not admitting of delay, and shall have no power to make any permanent appointments.

Accountability
of officers and
boards for
public money.
1864, c. 448, § 51.
See also 1885, c.
266, § 6.
Annual finan-
cial statement.

SECT. 51. All boards and officers acting under the authority of the said corporation, and intrusted with the expenditure of public money, shall be accountable therefor to the city council, in such manner as they may direct; and it shall be the duty of the city council to publish and distribute annually, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys, and a particular statement of all city property.

Overseers of the
poor.
1864, c. 128, § 2.
1885, c. 266, § 1.

SECT. 52. The overseers of the poor in the city of Boston shall consist of twelve persons, residents of the city, and be appointed by the mayor, subject to confirmation by the board of aldermen. Annually on the first Monday in February in each year, or within sixty days thereafter, there shall be appointed by the mayor, subject to confirmation by the board of aldermen, four persons, residents of the city, to be overseers of the poor. They shall hold office for three years from the first Monday in April following such appointment and until

1864, c. 448, § 52.

other persons are appointed in their places. The persons thus appointed shall together constitute the board of overseers for said city, and shall continue to have all the powers, and be subject to all the duties, by law appertaining to the overseers of the poor of the city of Boston until the same shall be altered or qualified by the legislature. Vacancies occurring in said board from any cause shall be filled in like manner at any time; and the person appointed to fill any vacancy shall hold his office during the term for which his predecessor was chosen. The mayor may at any time remove either of said overseers from office for such cause as he shall deem sufficient and shall assign in his order for removal. Said overseers shall render such accounts and reports of their expenditures, acts, and doings as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Vacancies, how
filled.
1864, c. 128, § 2.

Removal.
1864, c. 128, § 2.
1885, c. 266, § 1.

Accounts and
reports.
1864, c. 128, § 4.

Private interest
in contracts for-
bidden.
1864, c. 128, § 6.

No one of said overseers, nor any individual in their employ, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor or for articles furnished by direction of said overseers, unless the same be expressly authorized by a recorded vote of the board.

The school
committee.
1864, c. 448, § 53.
1875, c. 241, §§ 1,
4.
1885, c. 266, § 10.
Same subject.
1875, c. 241, § 1.

SECT. 53. The school committee shall consist of the persons hereinafter mentioned. A majority of the persons duly elected shall constitute a quorum for the transaction of business.

SECT. 54. Twenty-four persons, inhabitants of the city, elected by the qualified voters of the city, shall constitute the school committee of said city, the members of which shall

serve without compensation. The qualified voters of the city shall annually elect, at the municipal election, eight persons, inhabitants of the city, to serve as members of the school committee for the term of three years. The city clerk shall enter the returns of votes cast at said elections, or an abstract thereof, in the official book kept for such purpose, and it shall be the duty of the board of aldermen to examine and compare said returns and thereupon to cause certificates of election to be issued to such and so many members of said school committee as appear to have been chosen at such election; but said school committee shall be the final judge of the qualifications and elections of its own members.

Returns of
votes.
1876, c. 241, § 2.

SECT. 55. The persons so chosen as members of the school committee shall meet and organize annually on the second Monday of January, at such time and place as the mayor may appoint. A majority of all the members of the school committee shall be necessary to constitute a quorum for the transaction of business. They shall choose a secretary, not of their own number, who shall also serve as secretary to the board of supervisors, an auditing clerk, and such other subordinate officers as they may deem expedient, and shall define their duties, fix their compensation, and may remove them at pleasure.

Organization of
school commit-
tee.
1854, c. 448, § 55.
1876, c. 241, §§ 3,
4.

SECT. 56. The school committee shall have the care, management, supervision, and direction of the public schools, and may elect all such instructors as they may deem proper, and remove the same whenever they consider it expedient. And, generally, they shall have all the powers and discharge the duties in relation to the care and management of the public schools which the selectmen of towns or school committees are authorized by the laws of the commonwealth to exercise, and which may hereafter be imposed by law upon the school committees of cities and towns. They may elect and discharge teachers. They shall appoint janitors for the school-houses, fix their compensation, designate their duties, and may discharge them at pleasure. They may fix the compensation of the teachers, but the salaries established at the commencement of each school year shall not be increased during such year.

Powers and
duties of school
committee.
1854, c. 448, § 56.
1876, c. 241, § 5.

SECT. 57. Every male citizen of twenty-one years of age and upwards, excepting paupers and persons under guardianship, who shall have resided within the commonwealth one year, and within the city six months next preceding any meeting of citizens, either in wards or in general meeting, for municipal purposes, and who shall have paid by himself, or his parent, master, or guardian, any state or county tax, which, within two years next preceding such meeting, shall have been assessed upon him in any town or district in this commonwealth, and also every citizen who shall be by law exempted from taxation, and who shall be, in all other re-

Qualifications of
voters at munici-
pal elections.
1854, c. 448, § 57.

spects, qualified as above mentioned, shall have a right to vote at such meeting, and no other person shall be entitled to vote at such meeting.

Const. am.,
art. 20.

No person shall have the right to vote, or be eligible to office, under the constitution of this commonwealth, who shall not be able to read the constitution in the English language, and write his name: *provided, however*, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age, or upwards, at the time this amendment shall take effect.

Women to vote
for school com-
mittee.
1879, c. 223, § 1.
1881, c. 191, § 1.

Every woman who is a citizen of this commonwealth, of twenty-one years of age and upwards, and has the educational qualifications required by the twentieth article of the amendments to the constitution, excepting paupers and persons under guardianship, who shall have resided within this commonwealth one year, and within the city or town in which she claims the right to vote six months next preceding any meeting of citizens, either in wards or in general meeting for municipal purposes, and who shall have paid by herself, or her parent or guardian, or trustee, a state, county, city, or town tax, which within two years next preceding such meeting has been assessed upon her or her trustees in any city or town, shall have a right to vote at such town or city meeting for members of school committees.

Women to be
assessed a
poll-tax, upon
request.
1879, c. 223, § 2.
1881, c. 191, § 2.

Any woman who is a citizen of this commonwealth may, on or before the first day of October in any year, give notice in writing to the assessors of any city or town, accompanied by satisfactory evidence, that she was, on the first day of May of that year, an inhabitant thereof, and that she desires to pay a poll-tax, and furnish under oath a true list of her estate, both real and personal, not exempt from taxation; and she shall thereupon be assessed for her poll not exceeding fifty cents, and for her estate, and the assessors shall, on or before the fifth day of October in each year, return her name to the clerk of the city or town in the list of the persons so assessed. The taxes so assessed shall be entered in the tax-list of the collector of the city or town, and the collector shall collect and pay over the same in the manner specified in his warrant.

See 1886, c. 68.

Registration
laws to apply.
1879, c. 223, § 3.
1881, c. 191, § 3.

See 1884, c. 298,
§ 28, and 1886,
c. 68, § 2.

All laws in relation to the registration of voters shall apply to women upon whom the right to vote is herein conferred, provided that the names of such women may be placed upon a separate list, and when the name of any woman has been placed on the voting-list of any city or town, it shall continue on the list of said city or town as long as she continues to reside there, and to pay any state or county, city or town tax that has been assessed on her or her trustee in

any city or town in the commonwealth within two years previous to any voting day.

The mayor and aldermen of cities and the selectmen of towns may in their discretion appoint and notify a separate day for the election of school committees; *provided*, that such meeting shall be held in the same month in which the annual town meeting or the municipal election occurs.

Separate day for election.
1879, c. 223, § 4.

SECT. 58. There shall be appointed by the mayor, subject to confirmation by the board of aldermen, three able and discreet persons, inhabitants of the city, to be styled the board of registrars of voters. Annually, in the month of February or March, the mayor shall appoint, subject to confirmation by the board of aldermen, one person, qualified as aforesaid, to be a registrar of voters for the term of three years from the first day of April in the year of his appointment, and he may remove any member of said board for such cause as he shall deem sufficient and shall assign in his order for removal. And in case of a vacancy in the office of registrar by reason of death, resignation, or removal, the mayor shall fill such vacancy by the appointment, subject to confirmation by the board of aldermen, of a person qualified, as aforesaid, to hold office for the residue of the term.

Registrars of voters.
1874, c. 60, § 1.

They shall perform all and singular the duties devolved upon the mayor and aldermen, or board of aldermen, by any general or special laws which now are or hereafter may be in force respecting the preparation, correction, revision, publication, and transmission to the ward officers of the alphabetical lists of voters to be used at elections in said city, and all the powers so conferred, and all the duties and liabilities so imposed upon the mayor and aldermen, or board of aldermen, in said city, in relation to the preparation, correction, revision, publication, and transmission of said lists, are hereby conferred and imposed exclusively upon said registrars.

Removal.
1885, c. 266, § 1.

The registrars shall, before entering upon the duties of their office, take and subscribe an oath faithfully to perform the same. They shall receive such annual compensation as the city council may from time to time determine; but any reduction of compensation shall take effect upon such registrars only as shall be appointed after such reduction.

Their duties.
1874, c. 60, § 2.

And, to prevent all frauds and mistakes in such elections, it shall be the duty of the inspectors in each precinct to take care that no person shall vote at such election whose name is not so borne on the list of voters, and to cause a mark to be placed against the name of each voter on such list, at the time of giving in his vote. And the city council shall have authority to establish such rules and regulations, as to making out, publishing, and using such lists of qualified voters, as they shall deem proper, not inconsistent with the constitution and laws of the commonwealth.

To be sworn.

Compensation.
1874, c. 60, § 3.

Inspectors to allow no one to vote whose name is not on list.
1854, c. 448,
See 1878, c. 243,
§ 19.

Election of
national and
State officers.
1854, c. 448, § 59.
1878, c. 243, §§ 1,
4.

Examination
and return of
votes.
1884, c. 299, § 32.
Certificate.

Separate lists of
votes for gover-
nor, etc.

Votes for presi-
dential electors,
etc.

SECT. 59. All elections for governor, lieutenant-governor, senators, representatives, representatives to congress, and all other officers, who are to be chosen and voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective precincts, at the time fixed by law for those elections respectively. And at such meetings, all the votes given in being collected, sorted, counted, and declared by the inspectors of elections in each precinct, it shall be the duty of the clerk of such precinct to make a true record of the same, specifying therein the whole number of ballots given in, the name of each person voted for, and the number of votes for each, expressed in words at length. And a transcript of such record, certified by the warden, clerk, and the inspectors of elections in such precinct, shall forthwith be transmitted or delivered by each precinct clerk to the clerk of the city. And it shall be the duty of the city clerk forthwith to enter such returns, or a plain and intelligible abstract of them, as they are successively received in the journals of the proceedings of the board of aldermen, or in some other book kept for that purpose. And it shall be the duty of the board of aldermen to meet together as soon as may be after six days succeeding every such election, and examine and compare all the said returns, and thereupon to make out a certificate of the result of such election, to be signed by a majority of the aldermen, and also by the city clerk, which shall be transmitted, delivered, or returned, in the same manner as similar returns are by law directed to be made by the selectmen of towns; and such certificates and returns shall have the same force and effect, in all respects, as like returns of similar elections made by the selectmen of towns. At the election of governor, lieutenant-governor, and senators, it shall be the duty of the board of aldermen to make and seal up separate lists of persons voted for as governor, lieutenant-governor, and senators, of the commonwealth, with the number of votes for each person, written in words at length against his name, and to transmit said lists to the secretary of the commonwealth, or to the sheriff of the county. The board of aldermen shall, within three days next after the day of any election of electors of President and Vice-President of the United States, held by virtue of the laws of this commonwealth, or of the United States, deliver or cause to be delivered, the lists of votes thereof, sealed up, to the sheriff of the county; and the said sheriff shall, within four days after receiving said lists, transmit the same to the office of the secretary of the commonwealth; or the said aldermen may, and when the office of sheriff is vacant they shall themselves transmit the said lists to the said office, within seven days after the election; and all votes not so transmitted shall be rejected.

In all elections for representatives to the general court, if it shall appear that no choice of a representative has been effected by reason of two or more persons having the same number of votes, so that no person has a plurality, a certificate of the fact shall be transmitted to the secretary of the commonwealth by the board of aldermen.

No choice of representative to general court. 1874, c. 376, §§ 29, 32.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen according to law, by the votes legally returned, the board of aldermen shall forthwith issue their warrants for a new election agreeably to the constitution and laws of this commonwealth, and the same proceedings shall be had, in all respects, as are hereinbefore directed; and in case of no choice being made of representative to congress, in either district of which the city of Boston composes a part, or in case of any vacancy happening in said districts, or either of them, the governor shall cause precepts for new elections to be directed to the board of aldermen of said city as often as occasion shall require; and such new elections shall be held, and all proceedings thereon had, and returns made in conformity with the foregoing provisions.

Same subject. 1854, c. 448, § 59.

No choice of representative to congress. 1854, c. 448, § 50.

SECT. 60. General meetings of the citizens qualified to vote in city affairs may from time to time be held to consult upon the common good, to give instructions to their representatives, and to take all lawful measures to obtain a redress of any grievances, according to the right secured to the people by the constitution of this commonwealth. Such meetings shall and may be duly warned by the board of aldermen, upon the requisition of twenty-five qualified voters of each ward of said city. If the board of aldermen refuses or neglects to call any such meeting, any justice of the municipal court of said city may, upon a like requisition, by a warrant under his hand in such form, and so served, executed, and returned, as he shall determine, call such meeting at such time and in such manner as he may direct, and shall appoint some one to preside therein until the same shall be duly organized by the choice of clerk and chairman.¹

General meetings of citizens. 1882, c. 204.

SECT. 61. All warrants for the meeting of the citizens for municipal purposes, to be had either in general meetings or in precincts, shall be issued by the board of aldermen, and in such form, and shall be served, executed, and returned, at such time and in such manner as the city council may by any by-law or ordinance direct and appoint.

Warrants for meetings. 1854, c. 448, § 6 1878, c. 243, §§ 4.

SECT. 62. Nothing in this act contained shall be so construed as to restrain or prevent the legislature from amending or altering the same whenever they shall deem it expedient.

Legislature may alter or amend. 1854, c. 448, § 62.

¹ St. 1854, c. 448, § 60, is repealed, and this section enacted in place thereof.

Repeal of earlier
acts.
1854, c. 448, § 63.

SECT. 63. All acts and parts of acts inconsistent with this act are hereby repealed; *provided, however*, that the repeal of the said acts shall not affect any act done, or any right accruing, or accrued, or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect; and that no offence committed, and no penalty or forfeiture incurred, under the acts hereby repealed, and before the time when such repeal shall take effect shall be affected by the repeal. And that no suit or prosecution pending at the time of the said repeal for any offence committed, or for the recovery of any penalty or forfeiture incurred under the acts hereby repealed, shall be affected by such repeal; and *provided, also*, that all persons who, at the time when the said repeal shall take effect, shall hold any office under the said acts, shall continue to hold the same according to the tenure thereof; and *provided, also*, that all the by-laws and ordinances of the city of Boston, which shall be in force at the time when the said repeal shall take effect, shall continue in force until the same are repealed by the city council, and all officers elected under such by-laws and ordinances shall continue in office according to the tenure thereof.

Repeal not to
revive other
acts.
1854, c. 448, § 64.

SECT. 64. No act which has been heretofore repealed shall be revived by the repeal of the acts mentioned in the preceding section.

Act to be sub-
mitted to citi-
zens.
1854, c. 448, § 65.

SECT. 65. This act shall be void unless the inhabitants of the city of Boston, at a legal meeting called for that purpose, by a written vote, determine to adopt the same;¹ and the qualified voters of the city shall be called upon to give in their votes upon the acceptance of this act, at meetings in the various wards, duly warned by the mayor and aldermen to be held on or before the second Monday of November; and thereupon the same proceedings shall be had respecting the sorting, counting, declaring, recording, and returns of said votes, as is herein provided at the election of mayor; and the board of mayor and aldermen shall, within three days, meet together and compare the returns of the ward-officers; and if it appear that the citizens have voted to adopt this act, the mayor shall make proclamation of the fact, and thereupon the act shall take effect for the purpose of electing municipal officers at the next annual election, and for all other purposes it shall take effect on and after the first Monday of January next.²

Board of street
commissioners.
1870, c. 337, § 1.

SECT. 66. The qualified voters of the city of Boston shall, at the annual municipal election next after the passage of this act, be called upon to give in their votes for three able and discreet men, being inhabitants of said city, who shall

¹ Accepted November 15, 1854. Yeas, 9,166; nays, 990.

²This is the final section of the charter of 1854. The subsequent numbering of the sections in continuation is simply for convenience.

constitute the board of street commissioners of said city; one of whom shall be chosen for the term of one year, one for the term of two years, and one for the term of three years from the first Monday of January next ensuing, and until their successors are chosen and qualified; and at any subsequent annual election the qualified voters of the city shall choose one person qualified as aforesaid to be a member of said board, to serve for the term of three years.

Said street commissioners shall have all the powers now exercised by the board of aldermen, concerning the laying out, altering, or discontinuing the streets and ways of said city, and the powers now exercised by said board of aldermen in relation to the abatement of taxes.

Their powers.
1870, c. 337, § 2.

Whenever said board of street commissioners shall adjudge that the public safety and convenience require that any street, lane, or alley, in the said city shall be laid out, altered, or discontinued, they shall make and record an estimate of the expense thereof; and if such estimate shall exceed the sum of ten thousand dollars, or if such estimate, with the estimates of any previous alteration or discontinuance of any part of said street, lane, or alley, during the municipal year, shall exceed the sum of ten thousand dollars, the order for such laying out, alteration, or discontinuance, together with an estimate of the expense thereof, shall be sent to the city clerk, who shall forthwith lay the same before the city council for their concurrence or rejection; and such act shall not take effect or be in force until said city council shall concur therein. And whenever the city council shall request the board of street commissioners to furnish the estimated cost of laying out, altering, or discontinuing any street, lane, or alley in said city, said board shall furnish such estimates within sixty days thereafter; and whenever the city council shall adjudge that the public safety and convenience require that any street, lane, or alley in the said city shall be laid out, altered, or discontinued, and shall, by a two-thirds vote of the members of each branch thereof, direct the said board of street commissioners to lay out, alter, or discontinue any such street, lane, or alley, said board shall forthwith proceed so to lay out, alter, or discontinue such street, lane, or alley, under the provisions of this act.

Estimates of
cost of laying
out street.
1870, c. 337, § 3.

1872, c. 322.

City council
may by two-
thirds vote re-
quire laying out
of street.
1872, c. 322.

The said commissioners shall each receive a salary of not less than two thousand dollars, which shall be in full for their services, shall be fixed by the city council, and paid from the treasury of the city. Whenever a vacancy occurs in said board of street commissioners the same shall be filled by a concurrent vote of the city council, and the person so elected shall hold the office until his successor at the next municipal election shall be chosen and qualified.

Salary.
1870, c. 337, § 4.
1879, c. 198, § 1.

Vacancies.
1870, c. 337, § 6.

Directors for
public institu-
tions.
1857, c. 35, § 1.
1885, c. 266,
§§ 1, 3.

Powers and
duties.

Powers as to
insane persons.
1857, c. 35, § 2.

City council
may pass ordi-
nances.
1857, c. 35, § 3.

Appointment of
directors.
1857, c. 35, § 4.
1885, c. 266,
§§ 1, 3.

Removal.
1885, c. 266,
§§ 1, 12.

Department for
inspection of
buildings.
1885, c. 374, § 1.

Inspector of
buildings.
1885, c. 374, § 2.

SECT. 67. There shall be appointed by the mayor, subject to confirmation by the board of aldermen, nine suitable persons, resident citizens of the said city, who shall constitute a board of directors for the houses of industry and reformation, and the lunatic hospital within said city, and the house of correction for the county of Suffolk. The said board shall be styled "The Board of Directors for Public Institutions," and shall have all the authority and powers and be subject to all the duties heretofore conferred and imposed by statute, respectively, upon the directors of said houses of industry and reformation, and the overseers of said house of correction, together with such other powers and duties in connection with said lunatic hospital, and the management of the business thereof, as the said city council may, by ordinance and in conformity to the statutes of the commonwealth, provide. A majority of said board of directors shall constitute a quorum for the transaction of business.

The said board of directors shall also have the same powers as to the discharge of insane persons from confinement as were heretofore vested in the mayor and aldermen of said city.

The said city council shall have power to pass such ordinances, not inconsistent herewith, or repugnant to other laws of this commonwealth, as to the duties and authority of said board of directors, and providing for their reasonable compensation, as it may, from time to time, deem expedient and necessary.

The mayor shall appoint annually, subject to confirmation by the board of aldermen, three citizens of said city at large, who shall hold their office in said board of directors for three years. Each of the said directors so appointed shall, in addition to his said term, hold his office until another is appointed in his stead; and the mayor shall have power to remove members from said board of directors for such cause as he shall deem sufficient and shall assign in his order for removal, and to fill all vacancies which may occur in the same.

SECT. 68. There shall be in the city of Boston a department, to be called the Department for the Inspection of Buildings; which shall be furnished, at the expense of the city, with office room and such supplies for the transaction of its business as the city council may provide. The compensation of its officers shall be provided for by said city by ordinance.

The chief officer of said department shall be called the inspector of buildings, and shall be appointed by the mayor and confirmed by the board of aldermen. He shall hold office for the term of three years, or until his successor shall be appointed and confirmed; but may be removed by the mayor for malfeasance, incapacity, or neglect of duty.

The other officers of said department shall consist of a clerk, and such number of assistant inspectors as the city council may, from time to time, by ordinance determine; all of whom shall be appointed by the inspector, with the approval of the mayor, and shall hold office during good behavior; but may be removed by the inspector, with the approval of the mayor, for malfeasance, incapacity, or neglect of duty.

Clerk and assistant inspectors.
1885, c. 374, § 8.

The inspector and assistant inspectors of the department shall be able and experienced architects, builders or mechanics, and shall not be employed or engaged in any other business, or be interested in any contract for building or for furnishing materials.

Inspector and assistants to be architects or builders, etc.
1885, c. 374, § 4.

All said officers may, as far as necessary for the performance of their duties, enter any building or premises in the city of Boston.

May enter buildings.
1885, c. 374, § 6.

The inspector shall keep a record of the business of said department; submit to the city council a yearly report of such business; ascertain all facts and make all returns which shall be required by law relative to steam boilers; and enter upon the premises wherein any fire has occurred, if necessary, in order to investigate the origin of the fire; may require plans and specifications of any proposed erection or alteration of any building; and shall grant permits for such erection or alteration, when in conformity with the requirements of this act.

Record and annual report.
1885, c. 374, § 6.

Should the owner of any building object to any order or decision of said inspector, on a matter left by this act to his approval or control, and choose a referee to serve as hereinafter provided, within three days after being notified of such order or decision the matter shall be referred to three referees, who shall be either architects or master builders, one chosen by the inspector, one by the owner, and a third by these two; and the decision thereon in writing of these referees, or a majority of them, shall be final and conclusive.

If owner of building aggrieved, referee to be chosen.
1885, c. 374, § 7.

The clerk shall, under the direction of the inspector, have supervision and direction of the other officers and employees of the department.

Clerk to have supervision of employees.
1885, c. 374, § 8.

The assistant inspectors of buildings shall attend all fires occurring in the districts to which they are respectively assigned, and report to the chief or assistant engineer of the fire department present, all information they may have relative to the construction and condition of the premises on fire, and also any such information relating to the adjoining buildings.

Assistants to attend fires.
1885, c. 374, § 9.

The inspector, or his assistants, shall examine all buildings in the course of erection or alteration, as often as practicable, and make a record of all violations of this act, with the street and number where such violations are found, the names of the owner, architect, and master mechanics, and all other matters relative thereto.

Examination of buildings in course of erection, etc.
1885, c. 374, § 10.

Examination
of buildings
reported
dangerous.
1885, c. 374, § 11.

The inspector, or his assistants, shall examine all buildings reported dangerous, or damaged by fire or accident, and make a record of such examinations, including the nature and amount of such damage, with the name of the street and number of the building, the names of owner and occupant and for what purpose occupied, and, in case of fire, the probable origin thereof: examine all buildings for which applications have been made to raise, enlarge, alter, or build upon, and make a record of the same. Said records shall always be open to the inspection of the engineers of the fire department or any officer of the city.

Inspector's
deputy.
1885, c. 374, § 12.

In the absence of the inspector one of the assistant inspectors may be appointed by him to act as his deputy, who shall exercise all the powers of the inspector.

Permits for
work on
buildings.
1885, c. 374, § 13.

No work except necessary repairs shall be done upon any wall, structure, or building in said Boston without a permit from said inspector of buildings, nor except in conformity with the provisions of this act.

Inspector to
designate lowest
grade for
basement.
1885, c. 374, § 14.

The inspector of buildings shall designate, in every permit for the erection of a new building, the lowest grade at which the floor of the basement story of said building shall be laid.

Plans and
specifications to
be inspected
before permit
given.
1885, c. 374, § 15.

The said inspector shall not give a permit for the erection of any building until he has carefully inspected the plans and specifications thereof, ascertained that the building has sufficient strength, and that the means of ingress and egress are sufficient. A copy of plans and specifications of every public building shall be deposited in the office of the inspector.

Copy of same to
be kept.

Public library.
1853, c. 38, § 1.

SECT. 69. The city of Boston is authorized to found and maintain a public library, and to make such expenditures, establish such regulations, fix such penalties for the breach thereof, and do all such acts and things as may be deemed necessary and proper to that end; and the powers hereinbefore named may be exercised by the city council of the said city, in any manner in which they may delegate the same.

Trustees
incorporated.
1878, c. 114, § 1.

The trustees of the public library of the city of Boston for the time being are hereby made a corporation by the name of the Trustees of the Public Library of the City of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities, in the general laws relating to such corporations.

May hold real
and personal
estate not
exceeding
\$1,000,000.
1878, c. 114, § 2.

Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed, or devised to it, and accepted by the trustees, for the benefit of the public library of the city of Boston, or any branch library, or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city

of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer; *provided, always,* that both the principal and income thereof shall be appropriated according to the terms of the donation, devise, or bequest, under the direction of said corporation.

See 1885, c. 266, §§ 6, 12.

The trustees of the public library shall be five in number. The mayor shall annually appoint, in the month of April, subject to confirmation by the board of aldermen, one citizen at large as a trustee of said library to serve for five years from the first Monday in May in the year in which he shall be appointed; and any member may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal. Whenever any vacancy shall occur in said board of trustees by death, resignation, or otherwise, said vacancy shall be filled by the appointment in the manner aforesaid of another trustee, who shall hold said office for the residue of the unexpired term. No member of the board of trustees shall receive any pecuniary compensation for his services.

Number and appointment. 1878, c. 114, § 3. 1885, c. 266, §§ 1, 3.

Vacancies.

The members of said board shall meet for organization on the first Monday of each May, and choose one of their number as president. They shall have power to make such rules and regulations relating to said public library and its branches, and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient; *provided,* that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions, and amendments as the city council may direct.

Organization. 1878, c. 114, § 4.

The said trustees shall have the general care and control of the central public library now located in Boylston street, in said city, and of all branches thereof which have been, or which may hereafter be, established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditures of the moneys appropriated therefor.

Care of central library and branches. 1878, c. 114, § 6.

The said board of trustees may appoint a superintendent or librarian, with such assistants and subordinate officers as they may think necessary or expedient, and may remove the same for such cause as it shall deem sufficient and shall assign in its order for removal, and fix their compensation; *provided,* that the amount thus paid shall not exceed the sum appropriated by the city council for that item of expense, and the income of any moneys which may lawfully be appropriated for the same purpose from funds or property held by said trustees under the provisions of this act.

Appointment of librarian and assistants. 1878, c. 114, § 6.

The city council shall have power to pass such ordinances not inconsistent herewith, or repugnant to other laws of the

Power of city council to pass ordinances.

1878, c. 114, § 7. commonwealth, as to the duties and authority of said board, as they may from time to time deem expedient.

Fire department.

1850, c. 262, § 1.

SECT. 70. The city council may establish a fire department for the city, to consist of so many engineers and other officers, and so many enginemen and other members, as the city council, by ordinance, shall from time to time prescribe; and the city council shall have authority to make such provisions in regard to the time of appointment of either such officers or members, to make such requisitions in respect to their qualifications and period of service, to define their office and duties, to fix and pay such compensation for their services, and in general to make such regulations in regard to their conduct and government, and to the management and conduct of fires, and persons attending at fires, subject to the penalties provided for the breach of the city by-laws, as they shall deem expedient; *provided*, that the appointment of enginemen, hosemen, and hook-and-ladder men, shall be made by the mayor and aldermen exclusively, unless the said city council shall, by ordinance, otherwise provide for their appointment.¹

Officers.

1850, c. 262, § 2.

1878, c. 45, § 1.

All powers and duties conferred by statute upon the engineers or board of engineers of the fire department of the city, or upon any member of said board, are hereby transferred to the city council; and said powers and duties, and all the powers and duties mentioned in this section, or any of them, may be exercised and carried into effect by said city council in any manner which it may from time to time prescribe, and through the agency of any persons, or any board or boards, to whom it may from time to time delegate the same. The mayor shall appoint, subject to confirmation by the board of aldermen, the officer or board to whom the city council may delegate the same, and may remove said officer or the members of such board for such cause as he shall deem sufficient and shall assign in his order for removal. Such officer or board shall appoint the subordinates of the department, and may remove the same for such cause as he or it may deem sufficient, and shall assign in his or its order for removal.

Appointment.

1885, c. 266, § 1.

Removal.

Exemption from military duty.

1850, c. 262, § 4.

All officers and members of the fire department shall be exempted from military duty, or from serving as jurors or constables, during the time of their employment in said department.²

Park commissioners.

1875, c. 185, § 1.

1885, c. 266, § 1.

SECT. 71. The mayor shall, before the first day of May in each year, appoint, subject to confirmation by the board of aldermen, a competent commissioner, to continue in office for the term of three years from said day. No person shall

¹The city council having placed the department in charge of a board of three commissioners, and made the enginemen and other officers "subordinates" (see Rev. Ord. of 1885, c. 22), the manner of appointment of the latter is determined by St. 1885, c. 266, § 5.

²For remaining statutory provisions in relation to the fire department see St. 1850, c. 262, which was adopted by vote of the city council, June 4, 1850, and other statutes cited in the notes to Rev. Ord. of 1885, c. 22.

be a commissioner who is at the same time a member of the city council of said city; and any commissioner may at any time be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal.

Removal.

Said commissioners shall constitute a board of park commissioners, and any vacancy occurring in said board shall be filled for the residue of the term of the commissioner whose place is to be filled, in the same manner in which such commissioner was originally appointed. Said commissioners shall receive such compensation as the city council shall determine.

Vacancies.
1875, c. 185, § 2.

Compensation.

Said board shall have power to locate within the limits of the city of Boston one or more public parks; and, for that purpose, from time to time, to take in fee, by purchase or otherwise, any and all such lands as said board may deem desirable therefor, or to take bonds for the conveyance thereof to said city; to lay out, improve, govern, and regulate any such park or parks, and the use thereof; to make rules for the use and government thereof, and for breaches of such rules to affix penalties not exceeding twenty dollars for one offence, to be imposed by any court of competent jurisdiction; to appoint all necessary engineers, surveyors, clerks, and other officers, including a police force, to act in such parks, and to remove the same for such cause as the said board shall deem sufficient and shall assign in its order for removal; to define the powers and duties of such officers, and fix the amount of their compensation; and generally to do all needful acts for the proper execution of the powers and duties granted to, or imposed upon, said city, or said board, by this act; *provided, however*, that no land shall be taken, or other thing involving an expenditure of money done, until an appropriation, sufficient to cover the estimated expense thereof, shall have been made by a vote of two-thirds of each branch of the city council of said city.

Power to locate parks, etc.
1875, c. 185, § 3.

To make rules for government of.

To appoint engineers and police force.

Any real estate in the city of Boston which, in the opinion of said board, shall receive any benefit and advantage from the locating and laying out of a park under the provisions of this act, beyond the general advantages to all real estate in the city of Boston, may, after like notice to all parties interested as is provided by law to be given by the street commissioners of the city of Boston in cases of laying out streets in said city, be assessed by said board for a proportional share of the expense of such location and laying out; *provided*, that the entire amount so assessed upon any estate shall not exceed one-half of the amount which said board shall adjudge to be the whole benefit received by it.

Assessment of betterments.
1875, c. 185, § 7.

For the purpose of defraying the expenses incurred under the provisions of this act, the city council of Boston shall have authority to issue, from time to time, and to an amount not exceeding the amount actually expended for the purchase

Public park loan.
1875, c. 185, § 12.

or taking of lands for said parks, bonds or certificates of debt, to be denominated on the face thereof the "Public Park Loan," and to bear interest at a rate not exceeding six per centum per annum, and to be payable at such periods as said council may determine. For the redemption of such loan said council shall establish a sinking-fund sufficient, with the accumulating interest, to provide for its payment at maturity. All sums received for betterments shall be paid into said sinking-fund until such fund shall amount to a sum sufficient, with its accumulation, to pay at maturity the bonds for the security of which the fund was established.

Sinking-fund.

Ferries.
1869, c. 155, § 1.

SECT. 72. The city council of the city of Boston, for the purpose of improving private property, and of protecting the same, and the travel and business between the mainland in said city and East Boston, from the disabilities and burdens of the ferry communications heretofore existing between said parts of the city, and of furnishing additional facilities to said travel and business, are hereby authorized to purchase the boats, and so much of the other property, including the franchise, of the East Boston Ferry Company, as they shall think expedient, at such price as may be agreed upon between them and the said ferry company, with the approval of the mayor of said city, and to ordain and establish the present or such other lines of ferry travel as they may see fit, between the said parts of said city, and to cause the said ferry to be maintained thereon in such manner and upon such rates of ferriage as the board of aldermen of said city shall from time to time judge the best interests of the said city to require, excepting only as hereinafter provided.

Purchase.

Rates of
ferriage.

City council to
determine
whether ferri-
age should be
free.
1869, c. 155, § 2.

Upon the completion of said purchase the said city council shall consider and determine whether the interests of said city will be best promoted by maintaining said ferry thereafter free of tolls, and in case they shall decide the same in the affirmative, then the said city shall maintain and operate, or cause to be maintained and operated, the said ferry thereafter free of all tolls, and with facilities for travel not less than those now furnished by said company, or those which now are, or hereafter may be, by law required.

City may oper-
ate ferries with
more boats and
at reduced rates
of ferriage.
1869, c. 155, § 5.

If the said city council, upon the completion of said purchase, shall adjudge and determine that, instead of maintaining said ferry free of all tolls, it is for the best interests of said city that the said ferry shall be thereafter operated with more boats and greater facilities for travel and business than are now furnished by said company, and at one cent ferriage for a foot-passenger instead of two cents as heretofore charged, and with the other rates of ferriage thereon so reduced that the receipts of said ferry annually shall not exceed the cost of operating the same, instead of paying as provided by the charter of said company at least eight per cent. annual dividends, then and in such case the said city shall thereafter

maintain and operate, or cause to be maintained and operated, the said ferry, with such greater accommodations and at such reduced rates of ferriage as aforesaid, or with such other and still greater accommodations and at such more reduced rates of ferriage as the said board of aldermen may, from time to time, judge expedient for the purposes mentioned in the first section of this act. And the said board of aldermen, having first adjudged and determined the territory, if any, that shall be thereby specially benefited as aforesaid, may also adjudge and apportion, not exceeding one-half part of the cost of such purchase, to be assessed upon the said estates adjudged to be benefited as aforesaid, in the same manner and with the same powers and liabilities in all respects as are provided in sections two, three, and four of chapter one hundred and fifty-five of the acts of the year eighteen hundred and sixty-nine respecting such assessment.

The said board of aldermen shall have power at all times, notwithstanding any of the provisions of this act, or anything done by said city in pursuance thereof, to levy and collect such rates of ferriage as they shall judge expedient, for and upon all teams and vehicles passing over said ferry to or from any place beyond the limits of said city.

Rates of ferriage
for teams and
vehicles.
1869, c. 155, § 7.

SECT. 73. If the city establishes a sinking-fund under the provisions of chapter twenty-nine of the Public Statutes, the mayor shall appoint, subject to confirmation by the board of aldermen, three or six commissioners of its sinking-funds. One-third of the number shall be elected for one, two, and three years, respectively; and annually thereafter there shall be appointed, for a term of three years, a number equal to the number whose term of service then expires; and the mayor may remove any of said commissioners for such cause as he shall deem sufficient and shall assign in his order for removal. Vacancies occurring in the board shall be filled in the manner herein provided for the appointment of the commissioners. The remaining member or members shall, in case of a vacancy, exercise the powers of the board until the vacancy is filled. The city treasurer shall not be eligible as such commissioner, and the acceptance of the office of treasurer by a commissioner already appointed shall operate as a resignation of the office of commissioner.

Commissioners
of sinking-funds.
P. S. c. 29, § 10.

Term of service,
appointment,
and removal.
1885, c. 266, § 1.

Vacancies.

City treasurer
not eligible.

The commissioners shall choose a treasurer, who may be the city treasurer; and if the city treasurer is chosen his bond shall apply to and include duties performed under this chapter. If any other person is chosen treasurer he shall give a bond, with sureties, to the satisfaction of the commissioners, for the proper discharge of the duties of his office.

Commissioners
to choose a treas-
urer.
P. S. c. 29, § 10.

The commissioners shall receive all sums contributed to a sinking-fund, and shall invest, and reinvest, the same, and the income thereof, as it accrues, in the name of the board, in the particular scrip, notes, or bonds for the redemption

Duties of com-
missioners.
P. S. c. 29, § 11.

Investments in what securities. of which such sinking-fund was established, or in other bonds of the city secured by sinking-funds, or in the securities in which by law the funds of savings-banks may be invested (except personal securities); but no portion of the same shall be loaned to the city or town, except as herein provided; and the commissioners may sell and reinvest such securities when required in their judgment. They shall keep a record of their proceedings, and shall annually, at the time when other municipal officers are required to make their annual reports, make a written report to the city of the amount and condition of said funds, and of the income thereof for the preceding financial year. The record of, and the securities belonging to, said funds shall at all times be subject to the inspection of the mayor and aldermen, or of any committee of the city duly authorized for the purpose. The necessary expenses of the board shall be paid by the city; and the treasurer and secretary thereof shall receive such compensation as shall be fixed by the city, but no commissioner shall receive compensation for his services.

Records and reports. When securities issued by a city or town become a part of its sinking-fund, the commissioners shall cause to be stamped or written on the face thereof a notice that they are a part of such sinking-fund, and are not negotiable; and all coupons thereof, as they become due and are paid, shall be cancelled.

Expenses. P. S. c. 29, § 11.

Securities to be stamped as not negotiable. P. S. c. 29, § 11.

Boston water board. 1875, c. 80, § 1. 1885, c. 266, § 1.

SECT. 74. The city council of the city of Boston may establish by ordinance a water board, to be known as the Boston water board, consisting of three able and discreet persons, to be appointed by the mayor, subject to confirmation by the board of aldermen, and to receive such compensation as the city council may from time to time determine. The said board may be empowered by said city council to exercise all or any of the powers conferred by the statutes of the commonwealth upon the city of Boston, with reference to supplying said city with water, or of the Cochituate and Mystic water boards; and also to act as the agent of the city of Boston in doing any or all things which the city is now authorized to do in relation to the taking of lands, water-rights, and other property, and the establishment and maintenance of works and appliances for supplying the city of Boston or other cities and towns with pure water. Said board may also establish and regulate the price or rents for the use of said water, subject to the provisions of sections twelve and thirteen of chapter one hundred and sixty-seven of the acts of the year eighteen hundred and forty-six; and the words "Boston water scrip" in said sections shall be construed to include the whole amount of outstanding loans representing the cost of the water works.

Cochituate and Mystic water boards to be abolished. 1875, c. 80, § 2.

The Cochituate water board and the Mystic water board shall, upon the appointment of the Boston water board, as provided in the first section of this act, be thereby abolished;

and the said Boston water board shall, so far as the city council of said city may by ordinance prescribe, succeed to all the powers and duties formerly vested in said Cochituate water board and Mystic water board. The salaries of the members of the Boston water board shall not be diminished during the terms for which they are respectively appointed.

Salaries.
1876, c. 80, § 3.

SECT. 75. The city of Boston is authorized to erect, establish, and maintain a hospital for the reception of persons who by misfortune or poverty may require relief during temporary sickness. The city council of said city shall have power to make such ordinances, rules, and regulations as they may deem expedient for the appointment of trustees, and all other necessary officers, agents, and servants for managing the said hospital. Said hospital shall not be erected or located within three hundred feet of any school-house or church now built.

City may establish a hospital.
1858, c. 113, § 1.

City council may make ordinances, etc.
1858, c. 113, § 2.

Location.
1858, c. 113, § 3.

The city council are authorized to erect and maintain a hospital for the reception of insane persons not furiously mad.

Lunatic hospital.
1830, c. 181, § 1.

The trustees of the city hospital of the city of Boston, for the time being, are hereby made a corporation by the name of the Trustees of the City Hospital of the City of Boston; and said trustees and their successors in office shall continue a body corporate for the purposes hereinafter set forth, with all the powers and privileges, and subject to all the duties, restrictions, and liabilities in the general laws relating to such corporations.

Trustees incorporated.
1880, c. 174, § 1.

Said corporation shall have authority to take and hold real and personal estate to an amount not exceeding one million dollars, which may be given, granted, bequeathed, or devised to it, and accepted by the trustees for the benefit of the city hospital of the city of Boston, or any purpose connected therewith. Money received by it shall be invested by the treasurer of the city of Boston under the direction of the finance committee of said city; and all securities belonging to said corporation shall be placed in the custody of said treasurer; *provided, always*, that both the principal and income thereof shall be appropriated according to the terms of the donation, devise, or bequest, under the direction of said corporation.

May hold real and personal estate, not exceeding \$1,000,000.
1830, c. 174, § 2.

See 1885, c. 266, §§ 6, 12.

The trustees of the city hospital shall be five in number. In the month of April annually the mayor shall appoint, subject to confirmation by the board of aldermen, one citizen at large as a trustee of the city hospital to serve for five years from the first Monday in May in the year in which he shall be appointed. No member of the board of trustees shall be paid for his services; and any member may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order for removal. Whenever any vacancy shall occur in said board of trustees

Number and appointment of trustees.

1880, c. 174, § 3.
1885, c. 266, § 1.

Removal.
1885, c. 266, § 1.

Vacancies.

by death, resignation, or otherwise, said vacancy shall be filled by the appointment, in the manner aforesaid, of another trustee, who shall hold office for the residue of the unexpired term. No member of said board of trustees shall receive any pecuniary compensation for his services.

Organization of
board of trustees.
1880, c. 174, § 4.

The members of said board shall meet for organization annually, on the first Monday of May, and choose one of their number as president. They shall have power to make such rules and regulations relating to said city hospital and its officers and servants, and to fix and enforce penalties for the violation of such rules and regulations, as they may deem expedient; *provided*, that the same shall not be inconsistent with the provisions of this act, and shall be subject at all times to such limitations, restrictions, and amendments as the city council may direct. The said trustees shall, subject to the direction of the city council, by ordinance or otherwise, have the general care and control of the city hospital, and of all branches thereof which have been, or which may hereafter be, established, together with the buildings and rooms containing the same, and the fixtures and furniture connected therewith, and also of the expenditure of the money appropriated therefor. The city council shall have power to pass such ordinances not inconsistent herewith, or repugnant to other laws of the commonwealth, as to the duties and authority of said board, as they may from time to time deem expedient.

Trustees to have
general care and
control of hos-
pital.
1880, c. 174, § 5.

City council
may pass ordi-
nances as to du-
ties of board.
1880, c. 174, § 7.

[Str. 1885, c. 266.]

AN ACT TO AMEND THE CHARTER OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:—

Appointment of
officers and
boards.

SECTION 1. The mayor of the city of Boston shall appoint, subject to confirmation by the board of aldermen, all officers and boards now elected by the city council or board of aldermen, or appointed by him subject to confirmation, and all whose offices may hereafter be established by the city council or board of aldermen, for such terms of service respectively, as are or may be fixed by law or ordinance; and he may remove any of said officers or members of such boards for such cause as he shall deem sufficient and shall assign in his order for removal. No appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board.

Removal.

Time of confir-
mation.

Messengers,
clerks, etc.

SECT. 2. The foregoing section shall not apply to the city messenger, clerk of committees of the city council, or such other clerks and attendants as may be employed by the city council or either branch thereof, or any subordinate officers

in the several departments. The assistant assessors of taxes shall be appointed by the assessors of taxes, subject to confirmation by the mayor, and may be removed by the assessors for such cause as they shall deem sufficient and shall assign in their order for removal, and the city clerk shall be chosen by the city council by concurrent vote.

Assistant assessors of taxes.

City clerk.

SECT. 3. No member of the city council of said city shall, during the term for which he is elected, be appointed to or hold any office included under the provisions of either of the preceding sections.

Members of city council ineligible.

SECT. 4. Every officer included under the provisions of either section one or two shall, unless sooner removed, continue after the expiration of his term of service to hold his office until his successor is appointed or elected and duly qualified.

Officers to hold over.

SECT. 5. All officers and boards included under the provisions of section one shall appoint their respective subordinates for such terms of service respectively as are or may be fixed by law or ordinance. The said officers and boards may remove such subordinates for such cause as they may deem sufficient and shall assign in their order for removal.

Appointment of subordinates.

Removal.

SECT. 6. The executive powers of said city, and all the executive powers now vested in the board of aldermen, as such, as surveyors of highways, county commissioners, or otherwise, shall be and hereby are vested in the mayor, to be exercised through the several officers and boards of the city in their respective departments, under his general supervision and control. Such officers and boards shall, in their respective departments, make all necessary contracts for the employment of labor, the supply of materials, and the construction, alteration, and repair of all public works and buildings, and have the entire care, custody, and management of all public works, institutions, buildings, and other property, and the direction and control of all the executive and administrative business of said city. They shall be at all times accountable for the proper discharge of their duties to the mayor, as the chief executive officer, whose duty it shall be to secure the honest, efficient, and economical conduct of the entire executive and administrative business of the city, and the harmonious and concerted action of the different departments. Every contract made as aforesaid, in which the amount involved exceeds two thousand dollars, shall require the approval of the mayor before going into effect; and no expenditure shall be made nor liability incurred for any purpose beyond the appropriation duly made therefor.

Executive powers vested in mayor.

Powers of officers and boards.

Accountable to mayor.

Contracts.

SECT. 7. The mayor shall, once a month or oftener, call together the heads of departments for consultation and advice upon the affairs of the city; and at such meetings and at all

Meetings for consultation.

times they shall furnish such information as to matters under their control as the mayor may request.

Annual estimates.

SECT. 8. The heads of departments, and all other officers and boards having authority to expend money, shall annually furnish an estimate to the mayor of the money required for their respective departments and offices during the next financial year. The mayor shall examine such estimates, and submit the same, with his recommendations thereon, to the city council.

Veto power.

Separate items of appropriation may be disapproved.

SECT. 9. When an ordinance, order, resolution, or vote of the city council, or of either branch thereof, involving the appropriation or expenditure of money, or the raising of a tax, and including separate items or sums, is presented to the mayor of the city for his approval, he may approve some of the items or sums, and disapprove others; and in case of such disapproval the portion of the ordinance, order, resolution, or vote so approved shall be in force, in like manner as if the items or sums disapproved had never been a part thereof; and the mayor shall return a statement of the items or sums disapproved, with his objections in writing, to that branch of the city council in which the ordinance, order, resolution, or vote originated. The items or sums so disapproved shall not be in force unless passed in the manner provided in section forty-seven of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four.

Veto power.

Board of aldermen.

School committee.

SECT. 10. All orders, resolutions, or votes of the board of aldermen of said city which involve the exercise of any of the powers conferred by law upon the mayor and aldermen, or the board of aldermen as a separate board, and all orders, resolutions, or votes of the school committee of said city which involve the expenditure of money, shall be presented to the mayor for his approval, and thereupon the same proceedings shall be had by the mayor and the board of aldermen, or the mayor and the school committee, as are provided in section forty-seven of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four, or in section nine of this act, to be had by the mayor and a single branch of the city council; but nothing in this section contained shall affect the powers or duties of said board in relation to votes cast at elections. The mayor shall not be a member, nor preside at any of the meetings, nor appoint any of the committees of either the board of aldermen or of the school committee.

Salary of mayor.

SECT. 11. The annual salary of the mayor of said city shall be fixed by the city council by concurrent vote at a sum not less than five thousand dollars, and he shall receive for his services no other compensation or emolument whatever.

SECT. 12. Neither the city council, nor either branch thereof, nor any member or committee thereof or of either branch thereof, nor the board of aldermen acting in any capacity in which said board may act separately under special powers conferred upon it, nor any member or committee of said board acting in any such capacity, shall directly or indirectly take part in the employment of labor, the making of contracts, the purchase of materials or supplies, the construction, alteration, or repair of any public works, buildings, or other property, or the care, custody, and management of the same, or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, except such as may be necessary for the contingent and incidental expenses of the city council or of either branch thereof, nor, except as is otherwise provided in sections one and two, in the appointment or removal of any officers or subordinates for whose appointment and removal provision is hereinbefore made; but nothing in this section contained shall affect the powers or duties of the board of aldermen in relation to state aid to disabled soldiers and sailors, and to the families of those killed in the civil war.

Powers of city council restricted, etc.

State aid.

SECT. 13. All ordinances, rules, orders, resolutions, and votes of the city council of said city and of either branch thereof, and of the board of aldermen acting in a special capacity as a separate board, are annulled so far as they are inconsistent with the provisions of this act; and nothing herein shall affect the enforcement of the provisions of chapter three hundred and twenty of the acts of the year eighteen hundred and eighty-four, being an act to improve the civil service of the commonwealth and the cities thereof, or of the rules made by the commissioners appointed thereunder; and none of the provisions of this act, except those relating to the power of removal, shall affect the tenure of office of any person now holding any office or position in said city.

Certain ordinances, rules, etc., annulled.

[STAT. 1885, CHAP. 178.]

AN ACT TO LIMIT THE MUNICIPAL DEBT OF AND THE RATE OF TAXATION IN THE CITY OF BOSTON.

SECTION 1. The taxes assessed on property in the city of Boston, exclusive of the state tax and of the sums required by law to be raised on account of the city debt, shall not exceed in any year nine dollars on every one thousand dollars of the average of the assessors' valuations of the taxable property therein for the preceding five years, the valuation for each year being first reduced by the amount of all abatements allowed thereon previous to the thirty-first day of

Limit of annual tax levy.

December in the year preceding said assessment. Any order or appropriation requiring a larger assessment than herein first above limited shall be void.

Limit of indebtedness.

SECT. 2. The limit of indebtedness of the city of Boston shall hereafter be two and one-half per cent. up to and until the first day of January in the year eighteen hundred and eighty-seven, and thereafter shall be two per cent. on the average valuation prescribed in section one of this act, instead of three per cent. on the last preceding valuation, as provided in section four of chapter twenty-nine of the Public Statutes.

Injunction may issue to prevent violation.

SECT. 3. Any court or justice having equity jurisdiction, sitting in the county of Suffolk, shall, upon the application of the mayor or of ten taxable inhabitants of the city, at all times, whether in term time or vacation, have power to issue injunctions, mandatory or otherwise, decrees, or other process against the city council or otherwise, which such court or justice may think needful to enforce the provisions of this act or to prevent the violation thereof.

SECT. 4. This act shall take effect upon its passage.

NOTES.

The act establishing a board of police appointed by the Governor is St. 1885, c. 323. This act, with St. 1878, c. 244; St. 1879, cc. 59, 97; St. 1882, c. 269, and P. S., c. 102, §§ 2, 4, contains the principal provisions of law with reference to the Police.

The act establishing the weekly payment of wages is St. 1886, c. 87.

The Board of Park Commissioners is authorized to construct the Charles River Embankment by St. 1881, cc. 92, 197; the Arnold Arboretum by St. 1880, c. 144; a park near Dorchester Point by St. 1885, c. 360. As to the preservation of health in buildings in the city, see St. 1885, c. 382.

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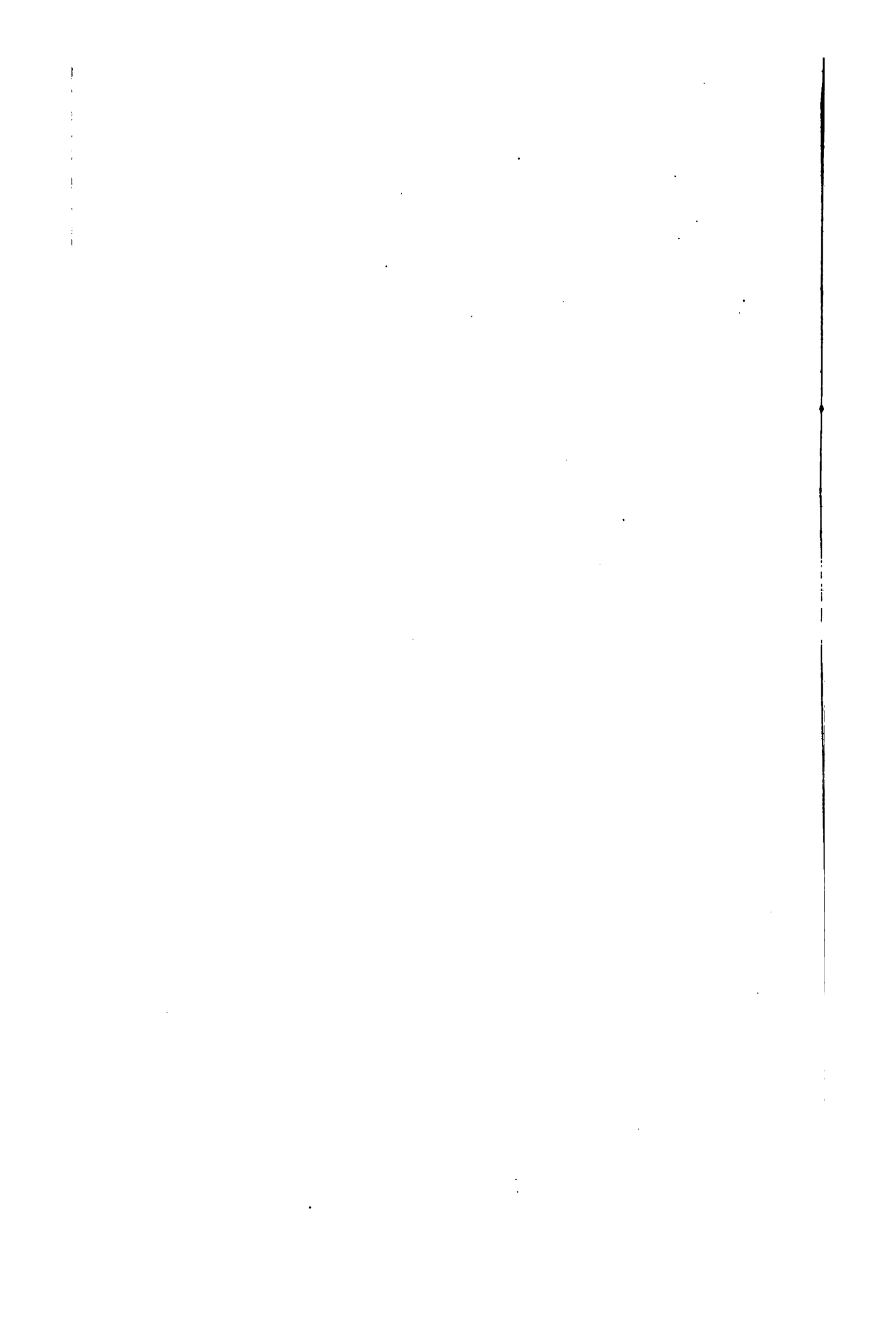
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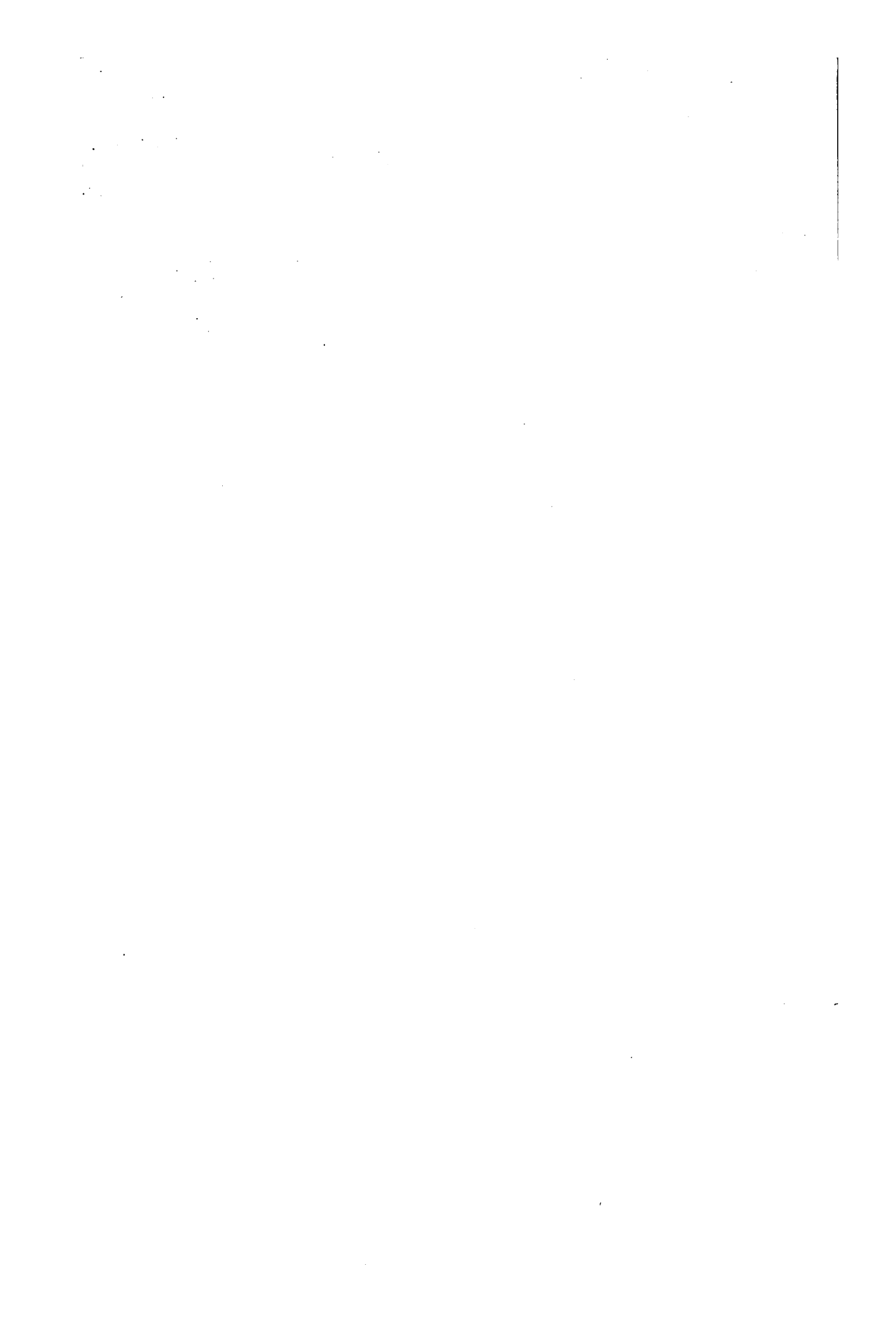
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